Dec. 23-24 Argued

No. 1 & 10

Dec. 28 Aff. - Nelson

SUPREME COURT OF THE UNITED STATES.

No. ~~104~~. 86. 40. ~~22~~. ~~21~~.

~~20~~ 10

SIMON MUSSINA, PLAINTIFF IN ERROR,

vs.

MARIA JOSEFA CAVAZOS, and ESTEFANA GOSEASCOCHEA DE CORTINA.

In Error to the District Court U. S. for the Eastern District of Texas.

GIDEON, Printer, 511 Ninth Street, D. C.

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SUPREME COURT OF THE UNITED STATES.

No. 164.

SIMON MUSSINA, PLAINTIFF IN ERROR,

vs.

MARIA JOSEFA CAVAZOS, and ESTEFANA GOSEASCOCHEA DE CORTINA.

In Error to the District Court U. S. for the Eastern District of Texas.

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Caption.

THE UNITED STATES OF AMERICA, DISTRICT COURT OF THE UNITED STATES, EASTERN DISTRICT OF TEXAS, AT GALVESTON. } *to wit:*

At a term of the District Court of the United States of America, begun and held at the City of Galveston, in and for the (then) District of Texas, on the first Monday of the month of January, in the year of our Lord one thousand eight hundred and fifty-four, to wit, on the twenty-fourth day of February of said year, it being a day of said term, present the Honorable John C. Watrous, Judge of said Court, Samuel D. Hay, Esquire, United States Attorney, Ben McCulloch, Esquire, United States' Marshal, and Jas. Love, Clerk, among other proceedings, were the following, that is to say:

RAFAEL GARCIA CAVAZOS *et al.*, *vs.* SAMUEL MUSSINA. } Petition in law, No. 134.

Be it remembered that heretofore, to wit, on the ninth day of January, in the year of our Lord one thousand eight hundred and fifty-nine, came the plaintiffs, by their attorneys, and filed a petition herein, which is in the words and figures following, to wit:

Petition.

To the Hon. JOHN C. WATROUS, Judge of the District Court for the District of Texas, having and exercising the powers and jurisdiction of a Circuit Court of the United States of America.

The petition of Don Rafael Garcia Cavazos, Doña Josefa Cavazos, his wife, Doña Estafana Giseascachia de Carlina, now a widow, Doña Feliciana de Tiperina, now also a widow, Don Constantino Tarniva, and Doña Angela Garcia Lafon de Tarniva, his wife, Ramon Lafon, a minor son of the said Doña Angela Garcia Lafon de Tarniva, by her former husband, Don Ramon Lafon, now deceased, appearing by the said Don Constantino Tarniva, his guardian and next friend, and Don Manuel Prieto, all of whom are aliens to the United States of America, and citizens of the State of Tamaulipas, one of the United Mexican States, complaining of Samuel Mussina, of the county of Cameron, and a citizen of the State of Texas, respectfully represents unto your Honor—

That heretofore, to wit, on the first day of January, A. D. 1849, the said plaintiffs, your petitioners, were seized in their demesne as of fee and right of the following described parcel of land, situate

in the county of Cameron, and State of Texas aforesaid, and bounded as follows, that is to say: Beginning at a point on the Laguna Madre two thousand varas north of Point Isabel, so called; thence running west eight thousand varas, thence south to the Rio Grande, thence along said Rio Grande to its mouth, and thence along the coast of the Gulf of Mexico and the said Laguna Madre to the point or place of beginning, including the town known as Point Isabel, or San Isabel, situate on Point Isabel aforesaid, and that the said defendant, on the first day of January aforesaid, with force and arms, at the county aforesaid broke and entered the said parcel of land, (the same being the close of your petitioners,) and them unjustly and without judgment, did disseize and evict thereof, and that the same he still unjustly withholds, and other wrong then and there did to the damage of your petitioners of three thousand dollars.

Wherefore your petitioners pray that said Samuel Mussnia be cited to appear before the District Court for the District of Texas aforesaid, next to be held at Galveston on the first Monday of May next, then and there to answer unto your petitioners in the premises, and that your petitioners may have judgment against the said defendant for the possession and recovery of the parcel of land before herein described; also, for the sum of three thousand dollars, being their damages, and for costs of suit.

ALLEN & HALE,
Attorneys.

And afterwards, to wit, on the tenth day of January, of the same year, a citation issued herein out of the Clerk's Office of our said Court to the said defendant, which is as follows, to wit:

Citation.

UNITED STATES DISTRICT COURT,
District of Texas.

The President of the United States of America to the Marshal, or any of his lawful deputies of the District of Texas. Greeting:

You are hereby commanded to summon Samuel Mussina, if he be found in your District, to be and appear before the Honorable the District Court of the United States, at a court to be holden in and for the District of Texas, at the city of Galveston, on the first Monday of May next, to answer the petition and complaint of Don Rafael Garcia Cavazos, et al., in an action amounting to the sum of three thousand dollars; of which you will serve the said defendant with the accompanying copy of the said petition.

Witness the Honorable John C. Watrous, Judge of said Court, and the seal of Court at the city of Galveston, this tenth day of January, A. D. 1849, and seventy-third year of the Independence of the United States.

[L. S.]

JAMES LOVE, *Clerk.*

And thereupon endorsed is the Marshal's Return of said writ, which is in the words and figures following, that is to say:

Marshal's Return.

Received the 10th day of January, 1849, and executed 23d of January, 1859, by exhibiting to the defendant in person, this summons, and by serving him with a true copy thereof, as also by serving him in person with attested copy of petition as furnished by the Clerk of this Court.

JAS. H. CLARKE, *Marshal*,
by D'AYRES, *Dep. Marshal.*

And afterwards, to wit, on the sixth day of March of the same year, came the defendant, by his attorneys, and filed a motion herein, which is in the words and figures following, to wit:

Motion.

DON RAFAEL GARCIA CAVAZOS, *et al.*,
vs.
SAMUEL MUSSINA. } In ejectment.

Basse & Hare, attorneys and solicitors for defendant, appear and pray the Court to order that the plaintiffs, by themselves or their solicitors, come before the Honorable U. S. District Court in Galveston, and show by what authority they and each of them, respectively, instituted this suit, or caused the same to be instituted on or before the first Monday in June next.

BASSE & HALE,
Solicitors and Counsel.

Upon which is endorsed,

Granted,
WATROUS.

March 3d, 1859.

And afterwards, to wit, on the second day of the same year, came the plaintiffs herein, by counsel, and filed an answer to the rule taken against them, which is as follows, to wit:

Answer to Rule.

DISTRICT COURT OF THE UNITED STATES,
District of Texas } May Term, 1849.

RAFAEL GARCIA CAVAZOS, *et als.*,
vs.
SAMUEL MUSSINA.

And now comes the said plaintiffs, by Allen & Hale, their attorneys and solicitors, and protesting against the legality and regularity of a rule granted to the said defendant by the judge of the said Court, on the third day of March, A. D. 1849, neverthe-

less, without prejudice to such protest, they say that the authority by which they caused the above entitled suit to be instituted, was that which they possess as the legal owners of the said tract of land, to which, by their said petition, they claim title and then expect to show and prove upon the trial of such suit. And they submit to the Court whether they shall be required to make any further or other answer to the said rule.

ALLEN & HALE,
Solicitors and Attorneys for Plaintiffs.

June 2, 1849.

And afterwards, to wit, on the twentieth day of June of the same year, came the plaintiffs and filed a motion herein, which is in the words and figures following, to wit:

Motion.

DISTRICT COURT OF THE UNITED STATES, *District of Texas.* } May Term, 1859.

RAFAEL GARCIA CAVAZOS, *et al.*,
vs.
SAMUEL MUSSINA.

The plaintiffs, by their attorneys, move the Court to order that William Dougherty, of the county of San Patricio, be authorized, appointed and directed to survey the exterior boundaries of the tract of land described in the affidavit of John Treanor, hereto annexed, in strict accordance with the description therein given, and also to survey and run any other line or lines which either party may suggest as the proper boundaries of the original grant, or tending to illustrate, define or explain the same, upon giving the parties to this suit twenty days notice of commencing the same, either in person or by leaving such notice at the usual places of residence of such parties; or that any of the said parties may attend such survey personally or by his or her agent, and that costs of running each respective line shall be paid by the party or parties directing the same to be run, and to make return of the field notes and a correct plot on map of such survey, upon his oath, to the next term of this Court; and that the aforesaid description of the said tract of land, as contained in the said affidavit, be set forth in the order of the Court hereon.

ALLEN & HALE,
Attorneys for Plaintiffs.

And afterwards, to wit, on the same day and year came John Treanor and filed his affidavit herein, which is in the words and figures following, that is to say:

Affidavit of John Treanor.

DISTRICT COURT OF THE UNITED STATES, *District of Texas.* } May Term, 1849.

RAFAEL GARCIA CAVAZOS, *et al.*, *vs.* SAMUEL MUSSINA.

I, John Treanor, attorney in fact for the several plaintiffs in the above entitled cause, being duly sworn, depose and say, that the said plaintiffs rely upon and intend to produce in evidence, at the trial of this cause, to sustain the issues joined, upon their part, a grant from the crown of Spain to their ancestor, of a tract of land lying in Cameron county within the State of Texas, whose natural boundaries are the Rio Grande upon one side, the Gulf of Mexico and the Laguna Madre or Laguna del Madre upon the second side, the Arrayo Colorado or Sal Colorado on the third side, and a dense thicket, reaching from the said Arroyo Colorado nearly to the Rio Grande, on the fourth side, and which is included by a line to be drawn as follows: beginning at a watering-place or *abrevedero* on the eastern bank of the said Rio Grande, above the present town site of Santa Rita, the precise position of which watering place will be pointed out by the said plaintiffs, or the said attorney, to any surveyors appointed by this Court; thence running north, by the magnetic course, to the said Arrayo Colorado; thence down the meanders of the said Arrayo at low water mark, on the right or south-western side, to its entrance unto the said Laguna Madre; thence along the shore of the said Laguna and of the Gulf of Mexico, at low water mark, to the mouth of the main channel of the said Rio Grande; thence up the said Rio Grande, following its meanders at low water mark on the eastern side, to the place of beginning.

And I further depose and say, that an actual survey of the foregoing boundaries of the said tract of land, under the order of the Court, is necessary in order to show the nature and extent of the said grant, the title of plaintiffs to the whole thereof and finally their title and right of possession to that portion thereof, from which they allege in their petition, they have been ousted by the said defendant. And I further say, that before such survey is executed, the said plaintiffs cannot go safely to trial, and that this application is not made for delay, but that justice may be done —interlineations, made before signing.

JUAN TREANOR.

Sworn to and subscribed before me this 20th December, A. D. 1849. A. M. HUGHES, *Commissioner.*

And afterwards to wit, on the twenty-third day of June, of the same year, the Court here made an order in this cause, which is in the words and figures following to wit:

Judgment by Default.

RAFAEL CARCIA CAVAZOS, *et al.*,
vs.
SAMUEL MUSSINA. } No. 134.

The defendant being called came not but made default, and having failed to enter his appearance herein, it is ordered that judgment by default be entered against him.

And afterwards to wit, on the same day and year, the Court here made an order in this cause, which is in the words and figures following, that is to say:

Order of Court.

RAFAEL CARCIA CAVAZOS, *et al.*,
vs.
SAMUEL MUSSINA. } No. 134.

On motion of defendant's testimony, and for cause shown it is ordered that the judgment by default entered against defendant on this day be set aside. And it is ordered that this cause be continued until the next term of this Court.

And afterwards, to wit, on the same day and year, came the defendant, by his attorneys, and filed his answer herein, which is in the words and figures following, to wit:—

Answer.

UNITED STATES OF AMERICA,
District of Texas,
RAFAEL GARCIA CAVAZOS, and others,
vs.
SAMUEL MUSSINA. } No. 134.

And now comes the said defendant and defends the wrong and injury where, &c., and says that he is not guilty of the several supposed wrongs, injuries and trespasses in plaintiff's petition mentioned and set forth, in manner and form, &c.

JOHNSON & SWETT,
Attorneys for Defendant.

And afterwards, to wit, on the twenty-sixth day of June, of the same year, a motion was filed herein by plaintiff, which is in the words and figures following, to wit:—

Motion.

DISTRICT COURT OF THE UNITED STATES,
District of Texas, } May Term, 1849.

RAFAEL GARCIA CAVAZOS, *et al.*
vs.
SAMUEL MUSSINA.

The plaintiffs in the above entitled cause, suggesting the

necessity of the case, and referring to the accompanying affidavit, move the Court to order that either party may take out letters rogatory, in the form hereunto annexed, for the examination of witnesses in the State of Tamaulipas, one of the United Mexican States, upon interrogatories filed by such party days before the issuance of such letter; that a copy of such interrogatories and and a correct translation thereof into the Spanish language, as also a copy and translation of any cross interrogatories filed by the other party before the issuance of such letter, and also a correct translation of the said letter itself, as hereto annexed do accompany such letter, that the names of the witnesses to be examined need not be inserted in the interrogatories, but that the party taking out the letter may be at liberty to cause any witnesses, whom he desires to be examined, to be before the Judge or Tribunal, acting under such letter, and to be examined upon the interrogatories, as if their names had been inserted therein, that the said Letters Rogatory do issue under the teste of the Judge, seal of Court, and signature of the Clerk, and that the accompanying form and translation be entered upon the minutes thereof.

ALLEN & HALE, *Attorneys for Plaintiffs.*

And afterwards, to wit: on the same day and year, came John Treanor and filed his affidavit herein, which is in the words and figures following, to wit:

Affidavit of John Treanor.

DISTRICT COURT OF THE UNITED STATES,
District of Texas.

RAFAEL GARCIA CAVAZOS, *et al.*,
vs.
SAMUEL MUSSINA.

I, John Treanor, attorney in fact for several of the plaintiffs in the above entitled cause, being duly sworn, depose and say, that the said plaintiffs desire to examine many important witnesses residing within the State of Tamaulipas, one of the United Mexican States, principally as to the proof of pedigree, and the possession of the land in controversy; and that I have been informed by the officers of the tribunals having jurisdiction of civil causes in the said State, that a commission addressed from this Court to a private person, or to any other person but a judge of some of the said tribunals in his official capacity, will not be allowed to be executed within the said State.

JOHN TREANOR.

Sworn to and subscribed before me this 20th of June, A. D. 1849.

A. M. HUGHES, *Commissioner.*

And afterwards, to wit: on the same day and year, a "Requisi-

tion" in blank was filed herein, which is in the words and figures following, to wit:

Requisitoria.

EN LOS ESTADOS UNIDOS DE AMERICA, }
Distrito de Texas. }

El Presidente de los Estados Unidos de America, a cualquier Juez ó Tribunal teniendo jurisdiccion en causas civilis [en la Ciudad ó villa de] ó en el Estado de Tamaulipas, en los Estados Unidos Mexicanos. Salud:

Mediante que se siguen autos en unestra Corte de Distrito, para el Distrito de Texas, a instancia de los Señores, Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, su muger, Doña Estafana Giseascochea de Cortina, Doña Feliciano de Tijerina, Don Constantino Tarneva, Doña Angela Garcia Lafon de Tarneva, su muger, Don Ramon Lafon y Don Manuel Prieto, demandadores. Contra, Don Samuel Mussina, demando, y hemos sido informados que existen entre la jurisdicion de V. algunos testigos. Sin cuyas deposiciones la justicia no puede ser enteramente administrada entre las dichas partes.

En esta atencion, rogamos à V. *ni subsidio juris* y por el proceso usual de su Tribunal, que mande citar tal testigo ó testigos, cuyos nombres sehan de dar per la parte de dicho á comparecer ante V. ó otra persona competente autorizada por V. por ese objete, en un lugar y tiempo determinado por V. y alli á responder bajo juramento a las varias preguntas y re-preguntas del interrogatorio inserto: y V. se servirá disponer que los dichos de tel testigo ó testigos seran tomados por escrito, y evacuados las deposiciones mandar entregar originales con el interrogatorio y la presente, abajo cubierta, serradas y selladas, a la persona que presente esta Requisitoria, para que las traiga ante nuestra dicho corte: y nosotros corresponderemos en iguales terminos siempre que á nos representen las suyas.

Fecha en la ciudad de Galveston en los
dias del mes de y el año de mil ochocientos cuarenta y nueve. El Honorable John C. Watrous, Juez de la Carto de Distrito de los Estados Unidos de America para el Distrito de Texas.

[SEAL.]

Por el Secretario.

Certifico en toda forma de derecho que el antecedente documento esta fielmento traducido del idioma Yngles cuyo original se acompaña.

Secretario.

And afterwards, to wit: on the same day and year, a translation of the foregoing form of a Requisitoria was filed herein, and is in the following words and figures, to wit:

[*Translation.*]

UNITED STATES OF AMERICA, } ss.
District of Texes. }

The President of the United States of America, to any judge or tribunal having jurisdiction of civil causes in the city or town of or in the State of Tamaulipas, in the United Mexcan States, Greeting:

Whereas, a certain suit is pending in our District Court for the District of Texas, in which Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, his wife, Dona Estafana Giseascochea de Cortina, Doña Feliciana de Tijerina, Don Constantino Tarneva, Doña Angela Garcia Lafon de Tarneva, Don Ramon Rafon and Don Manuel Prieto are plaintiffs, and Samuel Mussina is defendant, and it has been suggested to us that there are witnesses residing within your jurisdiction, without whose testimony justice cannot be completely done between the parties.

We, therefore, request you, that in furtherance of justice, you will, by the proper and usual process of your Court, cause such witness or witnesses as shall be named to you on the part of the said , to appear before you, or some competent person, by you for that purpose appointed and authorized, at a precise time and place by you to be fixed; and there to answer on their oaths, to the several interrogatories and cross interrogatories hereunto annexed, and that you will cause their depositions to be committed to writing, and delivered under cover duly closed and sealed up, together with the said innterrogatories and these presents to the person who may present this letter, in order that he may bring them to our said Court, and we shall always be ready and willing to do the same for you in a similar case when required.

Witness the Honorable John C. Watrous, Judge of the District Court of the United States of America for the District of Texas, at the city of Galveston, on the day , in the year one thousand eight hundred and forty-nine.

Clerk.

And afterwards, to wit, on the twenty-ninth day of June, of the same year, came the defendants and filed a motion herein, which is in the words following, to wit:

Motion of Defendants.

In the United States District Court in and for said District of Texas.

DON RAFAEL GARCIA CABAZOS, et al., }
vs. }
SIMON MUSSINA. }

On behalf of Doña Angela Garcia de Tarneva, widow and legal representative of Don Constantino Tarneva, deceased, and in her

own right, and as representative of her son, Don Ramon Lafon, and Doña Feliciana Giseascochea de Tijerina, and Don Manuel Prieto, designated and styled plaintiffs in this cause, Basse & Hord, of counsel for them, move the Court to dismiss this case so far as they are concerned therein, at the costs of these parties by whom it was instituted. The deposition of R. H. Hord, Esq., herewith filed, exhibits the reasons on which this motion is founded and will be insisted upon.

BASSE & HORD,
Of Counsel for above named parties.

June 28*th*, 1849.

And afterwards, to wit, upon the same day and year, Robert H. Hord, Esquire, filed his affidavit herein, which is in the words and figures following, to wit:

Affidavit of Robert H. Hord.

In the District Court of the United States, District of Texas.

DON RAFAEL GARCIA CABAZOS, et al.,
vs.
SIMON MUSSINA.

ROBERT H. HORD, being duly sworn according to law, deposes and says: That about the month of September, A. D. 1848, he and Elisha Basse, Esq., were requested by Don Constantine Tarneva to institute a suit in the name of himself and his wife, Doña Angela Garcia de Tarneva, and his step-son, Don Ramon Lafon, in the District Court of Texas, for the county of Cameron, against Don Rafael Garcia Cabazos and Josefa, his wife, Don Manuel Prieto, Doñas Feliciana Giseascochea de Tijerina, and Doña Estafana Giseascochea de Cortina, as the legal representatives of Don José Salvador de la Garza, to obtain a partition of a certain tract of land known as El Potrero del Esperitu Santo, lying in Cameron county aforesaid, fronting upon the Rio Grande and the Arroyo Colorado, and which was then held and possessed by all of the aforementioned persons, in common. That afterwards, and about the ninth of the following month of October, this deponent and the said Basse were requested by Don Manuel Prieto and Doña Feliciana Giseascochea de Tijerina to represent them in said suit for partition, and to unite in the prayer of said Tarneva for the same. That at the ensuing term of the said District Court, the prayer of petitioner was granted, and a decree was entered providing for the making of the same. That before any action was had upon this decree of said Court for a partition, Don Rafael Garcia Cabasos, plaintiff in the preceding entitled cause, instigated and set on by John Treanor, as this deponent is informed and believes, applied to the Hon. M. P. Norton, Judge of the aforesaid District Court for the county of Cameron aforesaid,

for, and obtained, an injunction restraining all proceedings under the aforesaid decree. That since then, no District Court has been held in said county, and thereby the aforesaid injunction remains undissolved. That at this time the testimonies to title to this land was and had long been in the custody and possession of the aforesaid Doña Feliciana Giseascochea de Tijerina, and that the aforesaid Treanor, under the pretext of having the same archived in the Land Office of the State of Texas, at Austin, applied for and obtained by this means the said title, and thereupon caused the preceding suit to be instituted in this Court, without the sanction of the said Tarnava, or of his said wife, or step-son, the said Prieto, and Tiperina, and contrary to their desire. The last named persons consider the conduct of the said Treanor meddling and vexatious, and calculated not only to subject them to serious inconvenience, but heavy pecuniary loss, and have so informed this deponent; and have since, by a letter of attorney, appointed this deponent and said Basse their attorneys and agents, charging them with full and entire control and management of their interests in and about said lands, and desired them to ask that this suit be dismissed at the costs of said Cabasos and Treanor. And the said parties have further assured this deponent that they had not employed or charged any other person whatever, as attorneys for them in or about the land, since retaining this deponent and the said Basse, as above set forth. And this deponent further states, that each and every of the said parties represented by him will make affidavit to the foregoing facts, if the Court shall deem the same necessary.

ROBERT H. HORD.

Subscribed and sworn to, June 29th, 1849.
JAMES LOVE, *Clerk.*

And on the same day and year came Basse & Hurd, of counsel for defendants, and filed a motion herein, which is in the words and figures following, to wit:

Motion.

In the United States District Court, in and for the District of Texas.

DON RAFAEL GARCIA CAVAZOS, et al.,
v.
SIMON MUSSINA. } Ejectment.

The defendants in this case having filed a special plea for the dismissal of the same, pray the Court to sustain said plea, and dismiss this suit at the cost of the plaintiffs.

JOHNSON & SWETT,
for Defendant.

June 28th, 1849.

And afterwards, to wit, on the same day and year, came the defendants and filed their plea herein, which is in the words and figures following, to wit:

Plea.

The United States, District of Texas, *ss.*

DON RAFAEL GARCIA CAVAZOS, et al.,
v.
SIMON MUSSINA.

In the District Court. Ejectment for tract of land, bounded by the Rio Grande, Gulf of Mexico and interior lines including the town called the Town of Point Isabel.

And now, to wit, this twenty-seventh day of June, A. D. 1849, comes the said Simon Mussina, defendant as aforesaid, and for further answer in this behalf says, that long before the commencement of this suit, to wit, on the seventh day of April, A. D. 1847, he purchased, for a valuable consideration, of and from Don Constantine Tarneva, acting for himself, and by virtue of a power of attorney duly executed by Angela Garcia de Tarneva, Felipe Garcia de Maremton, and Guadelupe Seserrios de Garcia, and her husband Antonio de las Casas, on the sixth day of April, A. D. 1847, to him, the said Constantine Tarneva, for and in their behalf, all the land owned or claimed by him, the said Mussina, within the limits and boundaries set forth and described by the plaintiffs in this suit, to wit; five-sixths of three sitios undivided, comprehending Point Isabel, enhanced unto and known as the Santa Isabel grant, containing seven sitios, nine caballeris, and 175,328 square varas of land, conceded on the 22d day of March, 1829, by the State of Tamaulipas, to Don Rafael Garcia, and is bounded on the west by lands of Don Manuel Prieto, on the south by lands of Ignacio Treviñio, called San Martins grant, on the north by the Buena Nesla grant, made to Don Manuel de la Garza, and on the east by the Laguna del Madre. And he, the said Mussina, further says that since the commencement of this suit, to wit, on the fifteenth day of May last past, the said Constantine Tarneva having departed this life since the commencement of this suit, the said Angela Garcia Tarneva, wife of said Constantine Tarneva, deceased, Felipe Garcia de Maremton, and Guadelupe Sisernes de Garcia, and her husband Antonio de las Casas, did for themselves, in their own proper persons, make, execute and acknowledge, in due form of law, an agreement confirming in all respects the above mentioned agreement of said Constantine Terneva for the sale of said land to said Mussina, and did there agree to warrant and defend said land, and the title thereof, to said Mussina, against themselves and all the world. And this agree-

ment made for a valuable consideration, the said Mussina brings into Court, and refers to, as a part of this plea. And as to all and singular the rest of the land mentioned and described in the petition of the plaintiffs, and not included in said agreement, he disclaims and disavows all ownership, possession, and title; and requires of the plaintiff strict proof of the allegations contained in the said petition. And the said Simon Mussina further says that the title under and by virtue of which he claims possession and ownership of said land, arises under the two contracts aforesaid, securing to him all the right, title and interest of the said Constantine Tarneva, and Angela, his wife, and the other parties named, as above described; and that the said Constantine, and Angela, his wife, and the other parties named, were, at the time of the sale to him, on the said seventh day of May, A. D. 1847, and had been, long before, as heirs and successors of Rafael Garcia, who had owned and held in possession all of said land, from and after the said grant from the State on the twenty-second day of March, 1829, as aforesaid, the owners, purchasers and occupiers of said land in their own right, adverse to all the world, without acknowledging, recognizing, or in any manner showing any right, title or claim of all or any of the other parties plaintiffs in this suit to said land, or any part thereof, as joint tenants, tenants in common, or in any other manner whatsoever.

And the said Simon Mussina further says that the said Constantino Tarneva and Angela, his wife, never owned, claimed or held such land, or any part of the same, as joint tenants, tenants in common, co-partners, or otherwise, with the other plaintiffs in this case, and never authorized, sanctioned or affirmed the use of the names of co-plaintiffs in this suit. And that the defendants last above-named, if they had done so, releases, discharges and acquits him from all further claim, suit and demand for said land from them, the said Constantine and Angela Tarneva, and he prays judgment of the Court whether this suit can or ought to be further maintained, &c.

JOHNSON & SWETT,
Attorneys for Defendants.

Before me personally came Simon Mussina, the above-named defendant, who being duly sworn according to law, says that the facts and statements set forth in the above plea, are true, as he verily believes.

SIMON MUSSINA.

Sworn and subscribed this 29th day of June, 1849.

JAMES LOVE, *Clerk.*

And afterwards, to wit, upon the same day and year, the defendants filed a motion herein, which is in the words and of the terms, to wit:

Motion of Defendant.

CAVAZOS *et al.*, *vs.* SIMON MUSSINA, } No. 134.

In the United States District Court, in and for the District of Texas.

The defendant moves the Court to appoint George Lyon, the proper Deputy District Surveyor for the County of Cameron, to make the surveys in this case, if any appointment of a surveyor be deemed necessary.

The defendant also moves the Court to appoint Thomas W. Lemons, the United States Consul for Matamoras, in Mexico, the Commissioner to take all the depositions requisite to be taken in Mexico in this case, under and according to the laws and usages of the Courts of the United States in like cases.

JOHNSON & SWETT,
for Defendant.

June 28, 1849.

And afterwards, to wit, on the thirtieth day of June of the same year, came John Treaner, and filed his affidavit herein, which is in the words and figures following, to wit:

Affidavit of John Treaner.

DISTRICT COURT OF THE UNITED STATES, *District of Texas.* } Spring Term, 1849.

RAFAEL GARCIA CAVAZOS *et al.*, *vs.* SAMUEL MUSSINA. }

I, John Treaner being duly sworn depose and say, that I am now and have been before the institution of this suit, agent and attorney in fee of Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos and Doña Estafana Giseascochea de Carlina, three of the plaintiffs therein: that a short time before the institution of the same, acting in the name of the said plaintiffs my immediate constituents, and for their benefit, and the acknowledged interests of all the persons having a rightful claim to the tract of land granted by the Crown of Spain to Don Jose Salvador de la Garza, including the tract specially described in the petition filed in the said suit. I engage and retained as the attorneys at law of all such persons Ebenezer Allen and William G. Hale of the city of Galveston, in the state of Texas, fully believing that in so doing I was authorized by the common interests of such persons, and that each and all of them would, upon a proper representation, authorize and sanction the same.

And I do further depose and say that since the institution of this suit by the said Allen & Hale, the parties whom I immediately represent, have fully sanctioned and confirmed all my acts and the acts of the said attorneys in the premises, and have instructed myself and the said attorneys to continue the prosecution of such suit.

And I do further depose and say that the persons having any legal claim to the tract of land above mentioned, under the title Don Jose Salvador de la Garza, at the time of the commencement of this suit, were Doña Maria Josefa Cavazos, Don Rafael Garcia Cavazos in right of his said wife: Doña Estafana Giseascochea de Carlina, Doña Feliciana de Tijurnia, Doña Angela Garcia Lafon de Tarneva, Don Constantino Tarneva, in right of his said wife alone, Don Ramon Lafon and Don Manuel Prieto; that the said persons held the said land as tenants in common and were all interested in the establishment of the title to the same, and to the tract of land described in the petition, except Don Constantino Tarneva, who was in his own right and in that of his own wife's relations interested in sustaining the adverse claim set up by the defendant in this suit.

And I do further depose and say that the aforesaid parties, whom I immediately represent, are the legal owners of one individual moiety (adding together their respective shares of the same) of the aforesaid tract of land, and that the other parties above named are the legal owners (adding together their respective shares) of the other undivided moiety, and that the custody of the title deeds thereto, and the general control and management of all suits relating thereto, as I verily believe, belongs in the first place, to the representatives of the only son of Don José Salvador de la Garza, which representatives are Don Rafael Garcia Cavazos and Doña Maria Josefa Cavazos.

And I do further depose and say that all the matters and things contained and alleged in my affidavit this day filed upon the chancery side of this Court in the cause entitled Rafael Garcia Cavazos and others *vs.* Charles Stillman and others are true as therein stated, and I accordingly refer to the said affidavit in justification of my conduct against the unfounded imputations cast upon it in the affidavit of R. H. Hord, filed in this cause.

Subscribed and sworn to before
me, June 30th 1849.

JOHN TREANER,
JAMES LOVE, *Clerk.*

And afterwards to wit, on the same day and year the Court here made an order in this cause which is in the words and figures following, that is to say:

Order of Court.

RAFAEL GARCIA CAVAZOS *et al.*,
vs.
SAMUEL MUSSINA. } No. 134.

Ordered that the motion filed by attorneys for defendants be dismissed, this cause be continued.

And afterwards to wit, on the same day and year the Court here made an order in this cause which said order is in the words and figures following to wit:

Order of Court.

RAFAEL GARCIA CAVAZOS *et al.*,
vs.
SAMUEL MUSSINA. } No. 134.

On motion of Basse & Hord of counsel for certain plaintiffs, to wit Doña Angela Garcia de Tarneva, widow and legal representative of Don Constantino Tarneva, deceased, and in her own right and as representative of Don Ramon Lafon and Doña Feliciana Giseascochea de Tipernia and Don Manuel Prieto, filed 28th June, 1849, came on to be heard. After argument heard, it is ordered that the motion be overruled, and leave is given to plaintiff to answer his petition.

And afterwards to wit, on the same day and year the Court here made an order in this cause which is in the words and figures following, that is to say:

Order of Court.

RAFAEL GARCIA CAVAZOS *et al.*,
vs.
SAMUEL MUSSINA. }

On motion of plaintiffs' attorneys it is ordered by the Court that Upsher be authorized, appointed and directed to survey the exterior bounderies of the tract of land granted by the Crown of Spain to their ancestor, lying in Cameron County within the State of Texas, whose natural boundaries are the Rio Grande upon one side, the Laguna Madra or Laguna del Madre on the second side, the Arroyo Colorado or Sal Colorado on the third side, and a dense thicket proceeding from the said Arroyo Colorado nearly to the Rio Grande on the fourth side, and which is to be included by a line to be drawn as follows: beginning at a watering place or abrevedero on the eastern bank of the said Rio Grande above the present town site of Santa Rita, the precise position of which watering place will be pointed out by said plaintiffs or the said attorney to any surveyor appointed by the Court, thence running north by the magnetic course to the said

Arroyo Calorado, thence down the meanders of the said Aorroyo at low water mark, on the right or south-western side to its entrance with the said Laguna Madre, thence along the shore of the said Laguna and the Gulf of Mexico at low water mark to the mouth of the main channel of the said Rio Grande, thence up to the said Rio Grande following its meanders at low water mark on the eastern side to the place of beginning.

And it is further ordered that the surveyor as aforesaid do make the aforesaid survey in strict accordance with the foregoing description, and do make return of the field notes and a correct plot of such survey upon his oath, to the next term of this Court, and also to survey or run any other line or lines, which either party may suggest as the proper boundaries of the original grant, or leading to illustrate, define or explain the same upon giving the parties to this suit twenty days notice of commencing the same, either in person or by leaving such notice at the usual places of residence of such parties, or that any of the said parties may attend such survey personally or by his or her agent, and that the costs of running each respective line shall be paid by the party or parties directing the same to be run.

And afterwards to wit, on the second day of July, of the same year, the Court here made an order in this cause which is in the words and figures following, to wit:

Order of Court.

RAFAEL GARCIA CAVAZOS, *et al.*,
vs.
SAMUEL MUSSINA. } No. 134.

The motion of plaintiffs filed at this term in words and figures as follows, to wit:

DON RAFAEL GARCIA CAVAZOS, *et al.*,
vs.
SAMUEL MUSSINA.

The plaintiff in the above entitled cause suggesting the necessity of the case, and referring to the accompanying affidavit, move the Court to order that either party may take out letters rogatory in the form hereto annexed, for the examination of witnesses within the State of Tamaulipas, one of the United Mexican States, upon interrogatories filed by such party ten days before the issuance of such letters. That a copy of such interrogatories, and a correct translation thereof into the Spanish language, as also a copy and translation of any cross-interrogatories filed by the other party before the issuance of such letter, and also a correct translation of the said letter itself, as hereto annexed to accompany such letter. That the names of the witnesses to be examined need not be in-

serted in the interrogatories in case of examinations as to pedigree, but that the parties taking out the letter, may be at liberty to cause any witness whom he desires to be examined as to pedigree, to be produced before the judge in tribunal acting under such letter, to be examined upon the interrogatories as if their names had been inserted therein. That the said letters rogatory, do issue under the Teste of the Judge, seal of the Court, and signature of the clerk, and thet the accompanying form and translation if approved by the Court be entered upon the minutes thereof.

ALLEN & HALE.
Attorneys for Plaintiffs.

UNITED STATES OF AMERICA, }
District of Texas. }

The President of the United States of America, to any Judge or Tribunal, having jurisdiction of civil causes (in the city or town of), or in the State of Tamaulipas, in the United Mexican States. Greeting:

Whereas a certain suit is pending in our District Court, for the District of Texas, in which Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, his wife, Doña Estafana Goseascochea de Cortina, Doña Feliciana de Tijernia, Doña Constantino Tarneva, Doña Angela Garcia Lafon de Tarneva, Don Ramon Lafon, and Don Manuel Prieto, were plaintiffs, and Samuel Mussina is defendant, and it has been suggested to us that there are witnesses residing within your jurisdiction, without whose testimony justice cannot be completely done between the parties.

We therefore request you, that in furtherance of justice you will by the proper and usual process of your court, cause such witness or witnesses, as shall be named to you on the part of the said to come before you, or some competent person, by you for that purpose appointed and authorized, at a precise time and place by you to be fixed, and there to answer on their oaths, to the several interrogatories and cross-interrogatories hereunto annexed, and that you will cause their depositions to be committed to writing, and delivered under cover, duly closed and sealed up together with the said interrogatories, and these presents to the person who may present this letter, in order that he may bring them to our said Court. And we shall be always ready and willing to do the same for you, in a similar case when required.

Witness the Hon. John C. Watrous, Judge of the District Court of the United States of America, for the District of Texas at the city of Galveston, on the day of in the year one thousand eight hundred and forty-nine.

[L. S.] *Clerk.*

En los Estados Unidos de America,
Distrito de Texas.

El Presidente de los Estados Unidos de America a cualquiera Jues ó Tribunal teniendo jurisdiccion en causas civiles (en la Cuidad ó villa) en el Estado de Tamaulipas en los Estados Unidos Mexicanos: Salud: Mediante que se siguen autós en unestra corte de distrito de Texas á instancia de los Señoros Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos su muger, Doña Estafana Goseascochea de Cortina, Doña Feliciana de Tijerina, Don Constantino Tarneva, Doña Angela Garcia Lafon de Tarneva, Don Ramon Lafon y Don Manuel Prieto demandadores y contra Don Samuel Mussina demandodo y hemos sido informados que existen entre la jurisdiccion de V. algunos testigos sin cuyas deposiciones la justicia no puede ser enteramente administrada entre las dichas partes.

En este atencion, rogamos á V. ni subsidio juris, y per el proceso usual de su Tribunal que mande citar tal testigo ó testigos, cuyos nombres se han de dar por la parte de dicho á comparecer ante V. ó otra persona competente, autorizada por V. y alli á responder bajo juramento a las varias preguntas y repreguntas de interrogatorio inserto: y V. se servira désponer que los dichos de tal testigo ó testigos sean tomados por escrito y evaenadas las deposiciones mandar entregar originales con el interrogatorio y la present abajo cubierta, cerradas y selladas, á la persona, que presente esta Requisitoria, para que las traiga ante nuestra dicha corte: y nostros corresponderemos en iguales terminos siempre que á nos representen las suyas.

Fecha en la Ciudad de Galveston en los dias del mis de y el año de mil ochocientos cuarenta y nuevo. El Honorable John C. Watrous, Juez de la Corte de Distrito de los Estados Unidos de America, para el Distrito de Texas.

[SEAL.]

Por el Secretario.

Certifico en toda forma de derecho que el antecedente documento, cuyo original se acompaña está fielmento traducido del idioma Yngles.

[SEAL.]
Secretario.

And afterwards, to wit, on the sixth day of July, of the same year, the Court here made an order in this cause which is in the words and figures following, to wit:

Order.

Rafael Garcia Cavazos *et al.*
vs.
Samuel Mussina.

On motion of the Counsel for Complainant, it is ordered that

the order entered on the minutes on the 29th of June ult., overruling the motion of defendants, be set aside. It is further ordered that the motion to dismiss the cause, made by counsel for defendants, as to Doña Angela de Tarneva, widow and legal representative of Don Constantino Tarneva, deceased, and in her own right, and as representative of her son, Don Ramon Lafon, and Doña Feliciana Goseascochea de Tipernia and Don Manuel Prieto, named as plaintiffs in this cause, be sustained, and the cause as to the said parties be dismissed.

And afterwards, to wit, on the ninth day of July, of the same year, a motion was filed herein, which is in the words and figures following to wit:—

Motion of Defendant.

DON RAFAEL GARCIA CAVAZOS *et al.*
vs.
SAMUEL MUSSINA. } Suit at Law.

In the above entitled cause comes said defendant by his counsel and moves the Court that said plaintiffs be ruled and ordered by the Court to give further security for costs in said cause, and said defendant here suggests to the Court, that costs, caused and to be caused by the said plaintiffs herein, are and will be very great, and that the security heretofore given is wholly inadequate and insufficient.

JOHNSON & SWETT,
Attorneys for Defendant.

And the said defendant in the above entitled cause, further moves the Court, to order the said plaintiffs, *further moves the Court*, correct and true translations in the English language of each and every paper and document in the Spanish language, which plaintiffs have filed, herein unreferred to, and may file hereafter, or seek to file in said Court, either by way of exhibit, evidence, or voucher, and defendant moves the Court to order that all such translations be filed herein, at the same time said papers and documents in Spanish are filed or sought to be filed herein.

JOHNSON & SWETT,
Attorneys.

And afterwards, to wit, on the first day of August of the same year, the Court here made an order in this cause, which is in the words and figures following, to wit:

Order of Court.

RAFAEL GARCIA CAVAZOS *et al.*
v.
SAMUEL MUSSINA. } L. No. 134.

Upon motion of plaintiffs by their attorneys, it is ordered that they have leave to amend.

And afterwards, to wit, on the second day of August of the same year, the plaintiffs amended their petition in the words and figures as follows, to wit:

Amendment to Petition.

DISTRICT COURT OF THE UNITED STATES, *District of Texas.* } May Term, 1849.

RAFAEL GARCIA CAVAZOS *et al.*
v.
SIMON MUSSINA.

The plaintiffs in this cause, by leave of the Court, as appears by the order of the first day of August, A. D. 1849, amend their petition heretofore filed, by changing the name of Samuel Mussina wherever it occurs to Simon Mussina, and also by striking out on the twenty-fifth or twenty-sixth line of the first page thereof the words following, that is to say, "two thousand varas north of Point Isabel, so called," and inserting instead thereof the words following, that is to say, "where a line drawn due west from a point eight thousand varas due north of the extreme north-eastern point of Point Isabel, so called, would if produced strike the western shore of the Laguna Madre."

ALLEN & HALE,
Att'ys for Plffs.

And afterwards, to wit, on the fourth day of August of the same year, the Court here made an order in this cause, which is in the words and figures following, to wit:

Order of Court.

RAFAEL GARCIA CAVAZOS *et al.*
v.
SIMON MUSSINA. } L. No. 134.

The order of Court on the second of July, 1849, to authorize the parties to take out letters rugatory is not to be construed to deprive either party of the right to take the depositions of witnesses on commissions as in other cases, if the government of the said States of Tamaulipas or Cuahuila or either of them shall permit it to be done.

And afterwards, to wit, on the ninth day of August of the same year, the Court here made an order in this cause, which is in the words and figures following, that is to say:

Order of Court.

RAFAEL GARCIA CAVAZOS *and others*
v.
SIMON MUSSINA. } L. No. 134.

The motion of defendant by counsel to order the plaintiffs to

give further security for costs in said cause came on and was heard, upon consideration whereof it is ordered that said motion be sustained.

And afterwards, to wit, on the same day and year, the Court here made an order in this cause in the words and figures following, to wit:

Order of Court.

RAFAEL GARCIA CAVAZOS *and others*
v.
SIMON MUSSINA. } No. 134.

The motion of defendant by counsel to order the plaintiffs to file in Court true and correct translations in the English language of each and every paper and document in the Spanish language which plaintiffs have filed herein, or referred to, and may file hereafter or seek to file in said cause, either by way of exhibit, evidence, or voucher, and to order that all such translations be filed herein at the same time said papers and documents in the Spanish language are filed, or sought to be filed, came on and was heard; and the Court being sufficiently advised thereof, it is ordered that the said motion be sustained, and that it be extended to all the parties herein.

And afterwards, to wit, on the sixteenth day of August of the same year, the Court here made an order in this cause, which is in the words and figures following, to wit:

Order of Court.

RAFAEL GARCIA CAVAZOS *et al.*
v.
SIMON MUSSINA. } L. No. 134.

Upon motion of counsel for plaintiffs in the above entitled cause, it is ordered by the Court that the former order of the Court in the said cause, requiring both parties to file translations of any documents in the Spanish language filed by them at the time of filing the originals, be so amended as to require the parties to file the said translations as soon as practicable after the filing of the originals.

And afterwards, to wit, on the seventeenth day of August of the same year, a receipt was filed herein, which is in the words and figures following, that is to say:

Receipt.

RAFAEL GARCIA CAVAZOS, *et al.*,
vs.
SIMON MUSSINA. } L. No. 132.

We acknowledge that we have received from the plaintiffs' at-

torneys, sets of interrogatories in English and Spanish, to the persons named below, and that we are bound to file the same within ten days from this date, and to allow letters rogatory to issue thereon, as if the same were filed in the clerk's office this day, and notice given to us.

Interrogatories to Don Domingo de la Garza and others.
" " Don Juan Nep. Molano.
" " Don Joaquin Arguelles and others.
" " Don Sabas Cavazos and another.
" " Don Francisco Cauter and others.
" " Doctor Ramon F. Valdez and another.
" " Don J. Antonio Leal de Leon and another.
" " Presbiter Don José Maria Rodreguez.
" " Don Jesus Cardenas and others.
" " Witnesses on Pedigree in Matamoras.
" " " " " " Camargo.

August 17, 1849.

JOHNSON & SWETT.

And afterwards, to wit, on the tenth day of October, of the same year, a letter rogatory, with interrogatories attached, issued from the clerk's office of our said court, in the words and figures following, to wit:

Letter Rogatory—Don Domingo de la Garza et al.

UNITED STATES OF AMERICA, *District of Texas.* } ss.

The president of the United States of America, to any judge or tribunal having jurisdiction of civil causes in the city of Matamoras, or in the State of Tamaulipas, in the United Mexican States, Greeting:

Whereas, a certain suit is pending in our District Court for the District of Texas, in which Rafael Garcia Cavezos, Maria Josefa Cavazos, and Estafana Giseascochea de Cartina are plaintiffs, and Simon Mussina is defendant, and it has been suggested to us that there are witnesses residing within your jurisdiction, without whose testimony justice cannot be completely done between the parties.

We, therefore, request you that, in furtherance of justice, you will by the proper and usual process of your Court, cause such witness or witnesses as shall be named to you on the part of the said plaintiffs, to appear before you, or some competent person by you for that purpose appointed and authorized, at a precise time and place by you to be fixed, and there to answer, on their oaths, to the several interrogatories and cross-interrogatories hereunto annexed, and that you will cause their depositions to be committed to writing, and delivered under cover duly closed and sealed up, together with the said interrogatories and these presents, to the person who may present this letter, in order that he may bring

them to our said Court, and we shall always be ready and willing to do the same for you in a similar case when required.

Witness the Honorable John C. Watrous, Judge of the District Court of the United States of America for the District of Texas, at the City of Galveston, on the tenth day of October, in the year one thousand eight hundred and forty-nine.

[L. S.]

JAMES LOVE, *Clerk.*

EU LES ESTADOS UNIDOS DE AMERICA,
Distrito de Texas.

El Presidente de los Estados Unidos de America, á cualquera Jues ò Tribunal teniendo jurisdiccion en causas civiles en la ciudad de Matamoras i en el Estado de Tamaulipas en los Estados Unidos Mexicanos. Salud:

Mediante que siguen autos en Nuestra corte de Distrito para el Distrito de Texas, á instancia de los Señores Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos su unger, y Doña Estafana Goseascochea de Cortina Demandadores, contra Don Simon Mussina Demandado, y hemos sido informados que existen entre la jurisdiccion de V. algunos testigos sin cuyos deposiciones la justicia no puede ser enteramente administrada entre las dichas partes.

En esta atencein rogamos a V. *in subsidie juris* y por el procese usual de su Tribunal que mande citar el testigo ó testigos cuyos nombres se han de dar por la parte de los dichos demandadores á comparecer ante V ú otra persona competente, autorizada por V por ese objeto, en un lugar y tiempo deterinmada por V. y alli á responder bajo juramento á las varias preguntas y re-preguntas del interrogatorio inserto; y V. seserveria disponer que los diches de tal testigo ó testigos, seran tomados por escrito, y evauados las deposiciones mandar entregar originales con el interrogatorio y la presente abajo cubierta, serraodas y selladas, á la persona que presente esta Requisitoria, para que las traiga ante nuestra corte; y nosotros corresponderemos en gueales terminos siempre que á nos se presenten las suyas.

Fecha en la ciudad de Galveston á los dias del mes de Octubre y de año de mil ochocieuetos cuarenta y nueve. El Honorable John C. Watrous, Jues de la Corte de Distrito de los Estados Unidos de America para el Distrito de Texas.

[L. S.]

Por el secretario: JAMES LOVE.

Certifico en toda forma de derecho que el antecedente documento cuyo origiual se acompaña esta filemente traducido del idioma yngles.

Secretario: JAMES LOVE.

DISTRICT COURT OF THE UNITED STATES,
District of Texas.

RAFAEL GARCIA CAVAZOS et al., plaintiffs,
v.
SIMON MUSSINA, defendant.

Interrogatories to be propounded to Don Domingo de la Garza, Don Rafael Ramires, Don Simon Garza, Don Rafael Gonzales, Don Santiago Longeria, Don Froilau Longeria, Don Hillario Villareal, Don José Villareal, Don Tomas Guerra, Don Juan Rodrigues, Don Domingo Guerra, Don Francisco Vela, Don Faustino Balboa, Don , and Don Manuel Lopez Chapa, witnesses to be produced, sworn and examined, before the judge or tribunal in the City of Matamoras, and State of Tamaulipas, acting under the annexed Letter Rogatory from the District Court of the United States of America, for the District of Texas, on the part of the said complainants.

Interrogatory First. Do you know a tract of land known by the name of "El Patrero del Esperitu Santo," or "El Agosladero del Esperitu Santo," upon the eastern side of the Rio Grande, opposite to Matamoras? If so, state to whom, according to immemorial tradition and general reputation, it was originally granted? Who first took possession of it, and how long did he retain possession of it, according to such tradition and general reputation?

Interrogatory Second. Do you know a place upon the said tract of land called "San Juan del Retiro?" If so, where was this place situated? What buildings, according to tradition and general reputation, were placed there first, and by whom? What connection had Don José Salvador de la Garza, with such place, and what use did he make of it, according to tradition and general reputation?

Interrogatory Third. Do you know the plaintiffs in this cause, to wit.: Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, his wife, and Doña Estafana Goseascochea de Cortina, if so, what connection had they with the said tract of land, known in "El Agosladero del Espiritu Santo?"

Interrogatory Fourth. Who, according to general reputation and immemorial tradition, have held possession of the said tract of land, since the death of the said Don José Salvador de la Garza?

Interrogatory Fifth. What are the names of the different farms or ranchos on the said tract of land, which have been held by the different owners thereof, heirs of the said Don José Salvador de la Garza, or rented by them to others, so far as you know? Where are the said farms or ranchos situated?

Interrogatory Sixth. Do you know whether the persons named in the third interrogatory claim the said tract of land, as their own property. If so, has or has not that claim been public and

notorious, and known to all the citizens of Matamoras and the vicinity?

Interrogatory Seventh and last. Do you know anything else which may be a benefit or advantage to any of the parties at issue in this cause, or material to the subject of this your examination. If yea, set it forth at large in your answer.

ALLEN & HALE,
Of Counsels for Plaintiffs.

EN LA CORTE DE DISTRITO DE LOS ESTADOS UNIDOS,
Distrito de Texas.

DON RAFAEL GARCIA CAVAZO, et al., Demandadores,
contra.
DON SIMON MUSSINA, Demandado.

Interrogatorio de preguntas que han de ser prepositas, á Don Domingo de la Garza, Don Rafael Ramires, Don Simon Garza, Don Rafael Gonzales, Don Santiago Longeria, Don Frailau Longeria, Don Hillario Villareal, Don José Villareal, Don Tomas Guerra, Don Juan Rodriguez, Don Domingo Guerra, Don Francisco Vela, Don Faustino Balboa, y Don Manuel Lopez Chapa, testigos que pueden ser producidos jurados y examinados ante el juez ó tribunal en la ciudad de Matamoras, y estado de Tamaulipas, haciendo de tal bajo, la Requisitoria inclusa de la Corte de Distrito de los Estados Unidos de America, para el Distrito de Texas, par la parte de dichos demandadores?

La primera pregunta. Conoce V. el terreno llamado "El Potrero del Esperitu Santo," sobre el lado oriental del Rio Grande, en frente de Matamoras? Si es asi declara á quien, segun tradicion immemorial y reputacion general, feu el dicho terreno, primeramento adjudicado. Quien primero tenia posecion de ello segun la tradicion y reputacion general?

La segunda pregunta. Conoce V. un parage en el dicho terreno, que se llama, "San Juan del Retiro," si es asi? En donde fue situado este lugar? Que fabricas, segun tradicion, y reputacion general, fueron alli levantados? y quien las planto alli primero? Que coneccion tenia Don José Salvador de la Garza, con este lugar, y que uso hacia el de ella, segun la tradicion y reputacion general?

La tercera pregunta. Conoce V. á los demandadores en esta causa, á saber Don Rafael Garcia Cavazos, Doña Maria Josefa Cavasos su esposa, y Doña Estafana Goseascochea de Cortina, y los demandados siguientes, Don Manuel Prieto, Doña Feliciana? Si es asi, que conexion tenian ellos con el dicho terreno, llamado "El Agostadero del Esperitu Santo?"

La cuarta Pregunta. Quienes segun reputacion general y tradicion immemorial habian tenido posecion del dicho terreno, despues de la muerte del dicho Don José Salvador de la Garza?

La Quinta Pregunta: Como se llaman los varios ranchos en el dicho terreno que los dueñs, heredos del dicho Don José Salvador de la Gazza, habien tenido ò arrendado á otros, segun su conocimiento; en donde estan situados los dichos ranchos?

La sesta Pregunta; Sabe V. si las personas nombradas en la tercera pregunta pretenden el dicho terreno ser la propriedad de ellos? Si es asi, ha side ó no tal pretencion, publica notaria y conocida de todos los ciudadanos de Matamoras y vecinos?

La Septima y ultima pregunta: Sabe V. algo mas que sea de provecho ó beneficio á cualquier de los Demandadores á Demandado en esta causa ó sea de importancia en esta su examinacion. Si es asi declara eo á la larga en su respuesta.

ALLEN Y HALE,
Abagados por la parte de los Demandadores.

And on the same day and year a Letter Rogatory, and interrogatories accompanying the same, issued to Don Juan Nepomuceno Molano, as follows, that is to say:

Letter Rogatory.—Don J. Nepomuceno Molano.

United States of America, District of Texas, *ss.*:

The President of the United States of America to any judge or tribunal having jurisdiction of civil causes in the city of Victoria, in the State of Tamaulipas, in the United Mexican States, greeting:

Whereas, a certain suit is pending in our District Court for the District of Texas, in which Rafael Garcia Cavazos, Maria Josefa Cavazos, his wife, and Estafana Gozeascochea de Cortina, are plaintiffs, and Simon Mussina is defendant, and it has been suggested to us that there are witnesses residing within your jurisdiction, without whose testimony justice cannot be completely done between the parties.

We therefore request you that, in furtherance of justice, you will, by the proper and usual process of your Court, cause such witness or witnesses as shall be named to you, to come before you, or some competent person, by you, for that purpose appointed and authorized, at a precise time and place, by you to be fixed and there to answer on their oaths to the several interrogatories hereunto annexed, and that you will cause their depositions to be committed to writing, and delivered under cover, duly closed and sealed up together with the said interrogatories and these presents to the person who may present this letter, in order that he may bring them to our said Court, and we shall always be ready and willing to do the same for you in a similar cause when required.

Witness the Honorable John C. Watrous, Judge of the District Court of the District Court of the United States of America for District of Texas, at the city of Galveston, on the tenth day of October, in the year one thousand eight hundred and forty-nine.

[L. S.] JAMES LOVE, *Clerk.*

EN LES ESTADOS UNIDOS DE AMERICA,
Distrite de Texas.

El Presidente de los Eastados Unidos de America a cualquiera Juez ó Tribunal teniendo jurisdisdiccion en causes civiles en la ciudad de Victoria, ó en los Estado de Tamaulipas, en los Estados Unidos Mexicanos, salud:

Mediante que se seguen autos en Nuestra Corte para el Distrito de Texas, á instancia de los Señores Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, su espasa, y Doña Estafana Goseascochea de Cortina, Demandadores, contra Don Simon Mussina, Demandado, y hemos side informados que existen entre la jurisdeccion de N. algunos testigos sin cuyas deposiciones la justicia no puede ser enteramente administrada entre las dichas partes.

En esta atencion rogamos ó V. in subsideo juris, y per el proceso usual de su tribunal, que mande citar tal testigo ó testigos cuyos nombres sehan de dar por la parte de dichos Demandadores á comparcer ante V., ú otra persona competente, autorizada por V, por ese objeto en un lugar y tiempo determinado por V, y alli á responder bajo juramento, a las varias preguntas y repreguntas del interogatorio inserto, y V se servira disponer que los dichos de tal testigo ó testigos seran tomades por escrito y evacuados las deposiciones mandar entregar originales con el interrogatorio y la presente abajo cubierta, serradas y selladas a la persona que presente esta requisitoria, para que las traiga ante Nuestra Corte, y nosetros corresponderemos en iguales terminos siempre que á nos se presenten las suyas.

Fecha en la ciudad de Galveston, en les diez dias del mes de Octobre, y el ano de mil ochocientos cuarenta y nueve, el 'Honorable John C. Watrous, Juez de la Corte de Distrite de los Estados Unidos de America, para el Distrito de Texas.

Porel Secretario, JAMES LOVE.

Certifico en toda forma de direcho que el antecedente documento cuyo original se acompaña esta feilmente traducido del idioma Yngles.

Secretario, JAMES LOVE.

DISTRICT COURT OF THE UNITED STATES,
District of Texas.

RAFAEL GARCIA CAVAZOS *et al.*, Plaintiffs,
vs.
SIMON MUSSINA, Defendant.

Interrogatories to be propounded to Don Juan Nepomuceno Molano, a witness to be produced, sworn, and examined before the Judge or Tribunal of the City of Victoria and State of Tamaulipas, acting under the annexed Letter Rogatory from the District Court of the United States of America for the District of Texas on the part of the said plaintiffs.

Interrogatory First—Are you acquainted with the plaintiffs, to wit: Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, his wife, and Doña Estafana Goseascochea de Cortina, and with the said defendant?

Interrogatory Second—Were you ever a Notary Public in the city of Matamoras, and, if so, when?

Interrogatory Third.—Were you or not ever First Constitutional Alcalde of the city of Matamoras? If so, when and in what years?

Interrogatory Fourth.—Look at the document, marked L., now presented to you, purporting to be a copy issued to Don José Salvador de la Garza, and annexed to your deposition in the cause in chancery between the same plaintiffs and others as defendants. Is or is not the signature on the thirteenth leaf, purporting to be your signature, yours in fact? Are or are not the signatures of the attesting witnesses, to wit: Francisco Mayorga and Marcos Galindo, genuine and true?

Interrogatory Fifth.—Is or is not the said document an accurate copy of the title or Testimonio of Title, of which it purports to be a copy?

Interrogatory Sixth.—By whom was the original title or Testimonio of Title, of which the said document is a copy, presented to you for copying? Was this person or not anywise connected with the family or descendants of Don José Salvador de la Garza?

Interrogatory Seventh.—What was the appearance of said Title, or Testimonio of Title, at the time when it was presented to you? Did it not bear marks of age, and, if so, what marks?

Interrogatory Eighth and Last.—Do you know anything else which might be a benefit or advantage to either of the parties in this cause, or material to the subject of this, your examination? If yea, set it forth at large in your answer.

ALLEN & HALE,
Of Counsel for Plaintiffs.

EN LA CORTE DE DISTRITO DE LOS ESTADOS UNIDOS,
Distrito de Texas.

DON RAFAEL GARCIA CAVAZOS *et al.*, Demandadores,
Contra
DON SIMON MUSSINA, Demandado.

Interrogatorio de preguntas, que ham de ser propositas á Don Juan Nepomuseno Molano, un testigo que pude ser producido, jurado y examinado ante el Juez ó Tribunal en la ciudad de Victoria y Estado de Tamaulipas, haciendo de tal bajo la Requisitoria inclusa de la corte de Distrito de los Estados Unidos de America, para el Distrito de Texas, por la parte de los demandadores—

La primera pregunta: ¿Conoce V: á los Demandadores, á

Saber Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, su esposa, y Doña Estafana Goseacochea de Cortina, y al Demandado?

La Segunda pregunta: ¿Era, V. Escribano Publico en la ciudad de Matamoras, y si as asi, cuando lo era?

La tercera pregunta: ¿Era V. ó no, Alcalde Primero Constitutional de la ciudad de Matamoras? Y si asi, cuando y en que años?

La cuarta pregunta: Mire El documento marcado L. ahora presentado á V, propeniendo ser copia del Titulo Expedido á Don José Salvador de la Garza, y anexado a su deposicion en la causa en la Chancelleria entre los dichos demandadores, y otros como demandados ¿Es, á no, la firma sobre la faja trijesima, propeniendo ser la suya, su firma de hecho? ¿Son ó no, las firmas de los testigos de asistencia á Saber Francisco Mayorga y Marcos Galindo las veras y propias firmas de ellos.

La Quinta pregunta: ¿Es ó no, el dicho documento una copia fiel del titulo ó Testimonio de Titulo del cual propone ser copia?

La Sesta pregunta: ¿Por quien se ha presentado el Titulo ó testimonio de Titulo original, del cual es copia de dicho documento, para copiarlo? Tenia tal persona ó no alguna conexion con la familia ó decendientes de Don José Salvador de la Garza?

La Septima pregunta: ¿Cual era la vista ó exterioridad del dicho Titulo ó Testimonio de Titulo al Tiempe que fue presentado áV. ¿Tenia ó no indicios de antiguëdad? y si as asi, cuales indicios tenia?

La octava pregunta y última: ¿Sabe V. algo mas que sea de provecho ó beneficio á cualquiera de los Demandadores ó Demandados, en esta causa, ó sea de importancia en esta su examinacion? si es asi, declara lo à la larga en su respuesta.

ALLEN Y HALE,
Abagada per los Demandadores.

And afterwards to wit, on the same day and year, a letter rogatory; and interrogatories accompanying the same, were issued to take the testimony of Don Joaquin Argüilles, and others, in the words following to wit:

Letter Rogatory—Don Joaquin Argüelles, and others.

THE UNITED STATES OF AMERICA, }
District of Texas, } ss.

The President of the United States of America, to any Judge or Tribunal having jurisdiction of civil causes, in the city of Matamoras, or in the State of Tamaulipas, in the United Mexican States. Greeting:

Whereas, a certain suit is pending in our District Court, for the District of Texas. Wherein Rafael Garcia Cavazos, Maria Josefa Cavazos his wife, and Estafana Goseascochea de Cartina, are plain-

tiffs, and Simon Mussina, is defendant; and it has been suggested to us, that there are witnesses residing within your jurisdiction, without whose testimony justice cannot be completely done between the parties.

We therefore request you that in futherance of justice, you will by the proper and usual powers of your court, cause such witness or witnesses as shall be named to you on the part of the said plaintiffs, to appear before you, or some competent person by you for that purpose appointed and authorized, at a precise time and place by you to be fixed, then and there to answer on their oaths to the several interrogatories, and cross-interrogatories hereunto annexed, and that you will cause their depositions to be committed to writing and delivered under cover, duly closed and sealed up together with the said interrogatories; and these presents, to the person who may present this letter, in order that he may bring them to our said Court, and we shall be always ready and willing, to do the same for you in a similar case when required.

Witness the Honorable John C. Watrous, Judge of the District Court of the United States of America, for the District of Texas, at the city of Galverston, on the tenth day of October, in the year one thousand eight hundred and forty-nine. [SEAL]

JAMES LOVE, *Clerk.*

EN LOS ESTADOS UNIDOS DE AMERICA,
Distrito de Texas.

El Presidente de los Estados Unidos de America, a cualquiera juez o Tribunal teniendo jurisdiccion en cuasas civiles en la ciudad de Matamoras, ó en el Estado de Tamaulipas, en los Estados Unidos Mexicanos—Salud:

Mediante que so seguen autos en nuestra Corte de Distrito, para el Distrito de Texas, á instancia de los Señores Don Rafela Garcia Cavazos, Doña Maria Josefa Cavazos, suesposa, y Doña Estafana Goseascochea de Cortina, Demandadores, contra Don Simon Mussina, Demandado, y hemos sido informados que existen entre la jurisdiccion de V. algunos testigos sin cuyas deposiciones, la justicia no pueda ser enteramente administrada entre las dichas partes.

En esta atencion rogamos a V., in subsidio juris, y por el, proceso usual de su Tribunal, que mande citar tal testigo ó testigos, cuyos nombres se han de dar por la parte de dichos demandadores, á comparecer ante V., á otra persona competente autorizada por V., para ese objito, en un lugar y tiempo determinado por V., y alli responder bajo juramento á las varias preguntas y re-preguntas del interrogatorio inserto: y V. se servira disponer de los dichos de tal testigo o testigos seran tomados per escrito y evacuados las deposiciones mandar entregar originales con el interrogotorio y la presente abajo cubierta,

serradas y selladas, á la persona que presente esta Requisitoria, para que las traiga ante nuestra Corte: y nostros corresponderemos en ignales terminos, siempre que á nos se presenten las suyas.

Fecha en la ciudad de Galveston, en los dias diez del mes de Octubre, del año de mil ochocientos y quarenta y nueve. E Honorable John C. Watrous, Juez de la Corte de Distrito de las Estados Unidos de America, para el Distrito de Texas.

SEAL.

Por el Secretario—JAMES LOVE.

Certifico en tada forma de derecho que el antecedente documento cuyo original se acompaña está fielmente traducido del idioma Yngles.

Secretario, JAMES LOVE.

DISTRICT COURT OF THE UNITED STATES OF AMERICA, *District of Texas,*

RAFAEL GARCIA CAVAZOS, *et al. Plaintiffs,*
vs.
SIMON MUSSINA, *Defengant.*

Interrogatories to be propounded to Don Joaquin Argüelles, Don Francisco Argüelles, Don Rafael Gomez, Don Carlos Maria de la Garza, Don Santes Farias and Don Andres Paneda, witnesses, to be produced, sworn and examined before the Judge or Tribunal in the City of Matamoras, and State of Tamaulipas, acting under the annexed Letter Rogatory, from the District Court of the United States. for the District of Texas—on the part of the plaintiffs.

Interrogatory First.—Do you, or not, know the plaintiffs and defendants above named?

Interrogatory Second.—Look at the paper writing now exhibited to you marked A., and purporting to be a copy of the testament of Doña Maria Francisca Cavazos. Did you know Don Antonio Escoredo, whose name is subscribed to such a copy as notary public? Is the said Antonio Escoredo living or dead, or within the said State of Tamaulipas? Are you acquainted with his handwriting and signature as notary, and if so, is or is not the certificate and signature appended to the said copy, in the handwriting of the said Escoredo as notary?

Interrogatory Third.—What was the place called in the commencement of the said testament, "Esta congregacion de nuestra Señora del Refugio?" and what is it now called? Was, or was not, the said Don Antonio Escoredo, at the time of signing the said certificate, acting publicly and officially as notary public in said place, under the laws of the State of Tamaulipas and the United Mexican States? Was he or not generally recognized and acknowledged as such notary?

Interrogatory Fourth.—Look at the paper writing now exhibited to you, marked B., and purporting to be a copy of an Act of partition between the heirs of Doña Francisca Cavazos, to wit, Doña Maria Ignacia Cavazos and Doña Josefa Cavazos, with the intervention of Don Rafael Garcia Cavazos, her husband, which is to be annexed to your depositions in the cause between the same plaintiffs and others as defendants, in chancery. Did you know Pedro Pablo Palaez, whose name is subscribed to the said copy as notary public? Is the said Don Pedro Pablo Palaez living or dead, or within the said State of Tamaulipas? Are you acquainted with his handwriting, and signature as notary, and if so, is or is not the certificate and signature, appended to the said copy, in the handwriting of the said Palaez as notary?

Interrogatory Fifth.—Was or was not the said Pedro Pablo Palaez, at the time of signing the said certificate, acting publicly and officially as notary public, in the city of Matamoras, under the laws of the said State of Tamaulipas and the United Mexican States? Was he, or not, generally acknowledged and recognized as such notary?

Interrogatory Sixth.—Look at the paper writing now exhibited to you, marked D., and purporting to be an order of Juan Prado, Second Constitutional Alcalde of the city of Matamoras. Are you acquainted with the handwriting and signature of the said Don Juan Prado, and if so, is, or is not, the signature to the said order, on the left side, his signature in fact? Is, or is not, the signature on the right hand side the true signature of Don Bernardo Pedro Pablo Palaez as notary public?

Interrogatory Seventh.—When did the said Don Antonio Esconedo cease to act as notary public in the city of Matamoras? Who succeeded him? Who was acting as notary public in the said city in the month of in 182 ?

Interrogatory Eighth.—Have you, or not, ever seen the old title, or testimonio of title, issued to Don José Salvador de la Garza, for a tract of land on the east or left side of the Rio Grande, called El Patrero or Agostadero del Espiritu Santo? If so, when did you see it? In whose hands was it?

Interrogatory Ninth.—What was the appearance of the said testimonio? What signs of age did it bear?

Interrogatory Tenth.—Was the said testimonio ever presented to you to copy? If so, who presented it? Was or was not such a copy made by you?

Interrogatory Eleventh.—Is it the custom in Mexico, or not, to use all the names of any person in speaking of them or signing their names? For example, is it necessary to say or write Maria Josefa Cavazos, and not Josefa Cavazos simply? Which is the most usual in writing?

Interrogatory Twelfth and last.—Do you know anything else which may be a benefit or advantage to either of the parties at

issue in this cause, or material in this, your examination? If so, set it forth at large in your answer.

ALLEN & HALE,
Of Counsel for Plaintiffs.

En la Corte de Distrito de los Estados Unidos,
Distrito de Texas.

RAFAEL GARCIA CAVAZOS, et. al., Demandadores,
vs.
SIMON MUSSINA, Demandado.

Interrogatorio de Preguntas que han de ser prepositas á los Señores Don Joaquin Argüelles, Don Francisco Argüelles, Don Rafael Gomes, Don Carlos Maria de la Garza, Don Santos Farias y Don Andres Peneda, testigos, que pueden ser producidos jurados y examinados ante el Juez ó Tribunal en la Ciudad de Matamoras y Estado de Tamaulipas, haciendo de tal, bajo la Requisetoria inclusa de la Corte de Distrito de los Estados Unides de America, para el Distrito de Texas, por parte de los demandadores.

La primera pregunta: Conoce V. ó no los demandadores á saber Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, su esposa, y Doña Estafana Goseascochea de Cortina, y al demandado, Don Simon Mussina.

La segunda pregunta: Mire el papel escrito ahora exhibido á V. y que ha de ser anexado á su deposicion en la otra causa en la chancilleria marcada A. y proponiendo ser copia del testamento de Doña Maria Francisca Cavazos. Conocia V. á Don Antonio Escovedo cuyo nombre esta suscrito a tal copia como Escribano Publico? Esta vivo ó umerto el dicho Don Antonio, ó adentro el Estado de Tamaulipas. Conoce V. su letra y firma como Escribano Publico? y si es asi, es ó no la certificacion y firma al fine de la dicha copia en sn propia letrá coma Escribano Publico.

La tercera pregunta: Cual èra el lugar que se llama al principio del dicho testamento "esta congregacion de nuestra Señora del Refugio," y como se llama áhora? Fué ó no el dicho Don Antonio Escovedo, haciendo publicamente, y oficialmente de Escribano Publico, en el dicho lugar bajo las leyes del dicho Estado de Tamaulipas, y de los Estados Unidos Mexicanos, al tiempo ase firmar dicha copia? Fué ó no reconocido y respetado generalmente como tal Escribano Publico?

La cuarta pregunta: Mire V. el papel—escrito áhora exhibido á V. y que ha de ser anexado a su deposicion en la otra causa en la Chancelleria entre los dichos demandadores, y otros como demandados, marcado B, y proponiendo ser copia de Escritura de Particion entre los heredos de Doña Francisca Cavazos, á saber, Doña Maria Ignacia Cavazos, y Doña Josefa Cavazos, con la intervencion de su marido Don Rafael Garcia Cavazos. Conocia V. á Don Pedro Pablo Palaez cuyo nombre está suscrito á tal copia, como Escribano Publico? Es vivo ó muerto el dicho Don Pedro

Pablo Palaez, ó adentro el Estado de Tamaulipas. Conoce V. su letra y firma de escribano y si es asi es ó no la certificacion y firma al fin de la dicha copia, en su letra como escribano.

La quinta pregunta: Fué ó no el dicho Don Pedro Pablo Palaez, al tiempo de firmar la dicha certificacion, haciendo publicamente y oficialmente de escribano publico, en la cuidad de Matamoras, bajo las leyes del dicho Estado de Tamaulipas, y de los Estados Unidos Mexicanos. Fué ó no reconocido y respetado generalmente como escribano?

La sesta pregunta: Mire V. el papel escrito ahora exhibido á V. [y que ha de ser anexado á su deposicion en la otra causa en la chancilleria entre los dichos demandadores y otros como demandados] marcado D., y proponiendo ser una orden de Don Juan Prado, Alcalde Segundo Constitucional de la ciudad de Matamoras. Conoce V. ó no la letra y firma del dicho Don Juan Prado, y si es asi. Es ó no la firma al dicho orden á la izquierda, su propia firma, de hecho? Es ó no la firma a la derecha, la propia y vera firma de Don Barnardo Pedro Pablo Palaez como Escribano Publico.

La Septima Pregunta: cuando cesò el dicho Don Antonio Escovedo de hacer de escribano Publico en la ciudad de Matamoras quien fué haciendo de Escribano Publico en la dicha ciudad en el mes de———.

La Octava Pregunta, Ha visto V. ó no. el Titulo ó Testimonio de Titulo viejo espedido ó Don José Salvador de la Garza, del terreno sobre el lado oriental ó izquerdo del Rio Grande llamado. "El Potrero ó Agostadero del Espiritu Santo?" Si es asi, cuando la vio? En que manos estaba?

La nona Pregunta, cual era la vista ó exterioridad del dicho Testimonio? Cuales indicios de antigüedad tenia ella?

La decima Pregunta, Le ha presentado alguna ocasion a V. el dicho Testimonio para copiarlo? Quien la presentó? Conoce V. tal copia ó no?

La undecnia pregunta: Es costumbre ó no, en Mexico usar todos los nombres de cualquier persona hablando de el ó en su firma? Por ejemplo, es necesario ó no, decir o escribir, "Maria Josefa Cavazos" y no "Josefa Cavazos" simplemente, cual es mas usual en la escritura?

La decima tercera y ultima pregunta, ¿Sabe V. algo mas que sea de provecho i beneficio si cualquiera de los demandadores o demandados en esta causa de importancia en esta su examinacion? si es asi, declare lo á la larga en su respuesta.

ALLEN Y HALE,
Abogados pro Demandadores.

And afterwards, to wit, on the same day and year, a letter rogatory, with interrogatories accompanying, was issued herein to Doctor Ramon F. Valdez, and another, as follows, to wit:

Letter Rogatory. Dr. Ramon F. Valdez, et al.

UNITED STATES OF AMERICA,
District of Texas, ss.

The President of the United States of America, to any judge or tribunal having jurisdiction of civil causes in the city of Victoria, in the State of Tamaulipas, in the United Mexican States:

Whereas, a certain suit is pending in our District Court for the District of Texas, in which Rafael Garcia Cavazos, Maria Josefa Cavazos, his wife, and Estefana Goseascochea de Cortina, are plaintiffs, and Simon Mussina is defendant, and it has been suggested to us that there are witnesses residing without whose testimony justice cannot be completely done between the parties.

We therefore request you, that in furtherance of justice, you will by the proper and usual process of your Court, cause such witness or witnesses as shall be named to you on the part of the said plaintiffs, to appear before you, or some competent person, *or some competent person* by you for that purpose appointed and authorized, at a precise time and place by you to be fixed, and there to answer on their oath to the several interrogatories and cross-interrogatories hereunto annexed, and that you will cause their depositions to be committed to writing, and delivered under cover duly closed, sealed up, together with the said interrogatories and these presents to the person who may present this letter, in order that he may bring them to our said Court, and we shall always be ready and willing to do the same for you in a similar case, when required.

Witness the Honorable John C. Watrous, Judge of the District Court of the United States of America, for the District of Texas, at the city of Galueston, on the tenth day of October, in the year one thousand eight hundred and forty-nine

[L. S.] JAMES LOVE, *Clerk.*

EN LOS ESTADOS UNIDOS DE AMERICA,
Distrito de Texas.

El Presidente de los Estados Unidos de America á cualqueira Juez ó Tribunal teniendo jurisdiccion en causas civiles en la ciudad de Victoria, ó en el Estado de Tamaulipas en los Estados Unidos Mexicanos: Salud.

Mediante que siguen autos en nuestra Corte de Distrito para el Distrito de Texas á instancia de los Señores Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos su esposa, y Doña Estefana Gosenscochea de Cortina Demandadores contra Don Simon Mussina Demandado, y hemos sido informados que existen eutre la jurisdiccion de V. algunos testigos sin cuyas deposiciones la justicia na puede ser enteramente administrada entre las dichas partes.

En esta atencion rogamos á V. en subsidio juris, y para el pro-

ceso usual de su Tribunal que mande citar tal testigo ó testigos, cuyos nombres se han de dar per la parte de dichos demandadores, á comparecer ante V. ó otra persona competente autorizada por V. por ese objeta en un lugar y tiempo determinado por V. y alli á responder bajo juramento á las varias preguntas y re-preguntas del interrogatorio inserto: y V. se servira disponer que los dichos de tal testigo ó testigos seran tomados por escrito, y evacuados sas deposiciones mandar entregar originales con el interrogatorio y la presente abajo cubierta, serradas y selladas, a la persona que presente esta Requisitoria, para que los traiga ante nuestra corte y nostros corresponderemos en iguales terminos siempre que á nos se presenten las suyas.

Fecha en la ciudad de Galveston, en los diez dias del mes de Octubre de mil ochocientos y quarenta y nueve. El Honorable John C. Watrous, Juez de la Corte de Distrito de los Estades Unidos de America, para el Distrito de Texas.

[L. S.] Por el Secretario, JAMES LOVE.

Certifico en toda forma de derecho, que el antecedente documento cuyo original se acompaña está fielmente traducido del idioma Yngles.

Secretario, JAMES LOVE.

DISTRICT COURT OF THE UNITED STATES,
District of Texas.

RAFAEL GARCIA CAVAZOS *et al.*, Plaintiffs,
vs.
SIMON MUSSINA, Defendant.

Interrogatories to be administered to Doctor Ramon F. Valdez and Don Rufino Rodriguez, witnesses, to be produced, sworn and examined before the judge or tribunal acting under the annexed Letter Rogatory from the District Court of the United States of America, for the District of Texas, on the part of the said complainants.

Interrogatory first. Do you know the plaintiffs, to wit, Rafael Garcia Cavazos, Maria Josefa Cavazos, his wife, and Estafana Goseascochea de Cortina, and the defendant, Simon Mussina?

Interrogatory second. What office do you hold in the government of the State of Tamaulipas, and how long have you so held it?

Interrogatory third. Look at the document now exhibited to you, annexed to your deposition in the cause in Chancery between the same parties as plaintiffs and others as defendants, marked N., and purporting to be a copy of the old constitution of the State of Tamaulipas, promulgated in : Is this document, or not, a true and legal copy of the original in the archives of said State?

Interrogatory fourth. Look at the document marked O., now

exhibited to you, and to be annexed to your deposition in the cause in Chancery between the same parties as plaintiffs and others as defendants, and purporting to be a copy of the new Constitution of the State of Tamaulipas, promulgated in : Is or is not the said document a true and legal copy of the original, among the archives of the said State?

Interrogatory fifth. Look at the document marked P., now exhibited to you, and to be annexed to your deposition in the cause in Chancery between the same plaintiffs and others as defendants, and purporting to be a copy of the colonization law of the State of Tamaulipas, promulgated in : Is or is not said document a true and legal copy of the original in the archives of the said State?

Interrogatory Sixth. Look at the printed book marked Q. and now exhibited to you, and to be annexed to your deposition in the cause in chancery between the same plaintiffs and others as defendants, and purporting to contain certain of the laws of the said State of Tamaulipas. Is, or is not, the said book composed of true copies of the original laws, decrees, and other documents, in the archives of the said State?

Interrogatory Seventh and last. Do you know anything else, which may be a benefit or advantage to any of the parties in this cause, or material to the subject of this your examination, if yea, set it forth at large in your answer.

ALLEN & HALE,
Of Counsel for Plaintiffs.

EN LA CORTE DISTRITO DE LOS ESTADOS UNIDOS,
Distrito de Texas.

DON RAFAEL GARCIA CAVAZOS, et al., Demandadores,
contra,
DON SIMON MUSSINA, Demandado.

Interrogatorio de Pregutas que han de ser propositas á los Señores Doctor Ramon F. Valdez y Don Rufino Rodrigues, testigos que pueden ser producidos producidos y examinados ante el juez ó tribunal en la cindad de Victoria y Estado de Tamaulipas, haciendo de tal bajo la Inquisitoria inclusa de la Corte de Distrito de los Estados Unidos de America para el Distrito de Texas, por la parte de los dichos demandadores.

La primera pregunta. Conoce V. á los demandadores á saber Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos su esposa y Doña Estefana Goseascochea de Cortina, y el Demandado Don Simon Mussina?

La Segunda Pregunta. Que officio publica tenia V. en el Gobierno del Estado de Tamaulipas y cuanto tiempo hace que lo tiene V.?

La tercera pregunta. Mire el documento ahora exhibido á V.

(que ha de ser anexado á su deposicion en la causa en la chancilleria entre los dichos demandadores y otros como demandados,) marcado N., y proponiendo ser copia de la Constitucion antigua del Estado de Tamaulipas publicada en el año de 1825. Es este ó no, una copia fiel y legal del original en los Archivos del Estado?

La cuarta pregunta. Mire V. el documento marcado O., ahora exhibido á V. (y que ha de ser anexado á su deposicion en la causa en la chancilleria entre los dichos demandadores y otros como demandados,) y proponiendo ser copia de la Constitucion Nueva del dicho Estado de Tamaulipas, publicado en el año de 1825. Es el dicho documento ó no, una copia fiel y legal original en los Archivos del dicho Estado?

La Qunita pregunta. Mire V. el documento marcado P., ahora exhibido á V. (y que ha de ser anexado á su deposicion en la causa, en la chancilleria, entre los dichos demandados y otros comó demandados,) y proponiendo ser copia de la ley de Colonizacion del Estado de Tamaulipas, publicado en el año de 1826. Es este documento ó no, una copia fiel y legal del original en los Archivos del dicho Estado?

La sesta pregunta. Mire V. el libro imprimido marcado Q. Ahora exhibido á V. (y que ha de ser anexado á su deposicion, en la causa en la chancilleria, entre los dichos demandados y otros comó demandados,) proponiendo comprehendor varias leyes del dicho Estado, se compone el dicho libro ó no, de copias veras y legales de las leyes decretos, y otros documentos originales en los Archivos del dicho Estado?

La septima y ultima pregunta. Sabe V. algo mas que sea deprovecho ó beneficie á cualquiera de los demandadores en esta causa ó sea de importancia en esta su examinacion? Si es asi, declara a la larga en su respuesta.

ALLEN Y HALE,
Abagados per Demandadores.

And afterwards, to wit., on the same day and year, a Letter Rogatory, with interrogatories issued herein to Don Manuel de la Viña and others, as follows, to wit.:

Letter Rogatory.—Don Antonio Seal de Leon, et al.

UNITED STATES OF AMERICA, } ss.
District of Texas. }

The President of the United States of America, to any judge or tribunal having jurisdiction of civil causes in the City of Comargo, or in the State of Tamaulipas, in the United Mexican States, Greeting:

Whereas, a certain suit is pending in our District Court of the United States for the District of Texas, wherein Rafael Garcia Cavazos, Maria Josefa Cavazos, his wife, and Estafana Goseas-

cochea de Cortina, are plaintiffs, and Simon Mussina, is defendant. And it has been suggested to us that there are witnesses residing within your jurisdiction, without whose testimony justice cannot be completely done between the parties.

We therefore request you, that in furtherance of justice you will by the proper and usual process of your Court, cause such witness or witnesses as shall be named to you on the part of the said plaintiff to come before you, or some competent person, by you for that purpose appointed and authorized at a precise time and place by you to be fixed, and there to answer on their oaths to the several interrogatories and cross-interrogatories hereunto annexed. And that you will cause their depositions to be committed to writing, and delivered under cover duly closed and sealed up, together with the said interrogatories and these presents, to the person who may present this letter, in order that he may bring them to our said Court, and we shall be always ready and willing to do the same for you in a similar case when required.

Witness the Honorable John C. Watrous, Judge of the District Court of the United States of America, for the District of Texas at the City of Galveston, on the tenth day of October, in the year one thousand eight hundred and forty-nine.

[SEAL.]

JAMES LOVE, *Clerk.*

EN LOS ESTADOS UNIDOS DE AMERICA,
Distrito de Texas

El Presidente de los Estados Unidos de America ó cualquiera Juez ó Tribunal teniendo Jurisdiccion en causas civiles en la ciudad de Camargo ó en el Estado de Tamaulipas en los Estados Unidos Mexicanos Salud.

Mediante que si seguen autos en nuestra corte de Distrito para el Distrito de Texas á instancia de los Señores Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos su mugar, y Doña Estafana Goseaocochea de Cortina Demandadores—contra Don Simon Mussina Demandado. y hemos sido informados que existen entre la jurisdiccion de V. Algunos testigos sin cuyos deposiciones la justicia no puede ser enteramente administrada entre las dichas partes.

En esta atencion rogamos a V. *in subsidio juris* y por el proceso usual de su Tribuna, que mande citar tal testigo ó testigos cuyos nombres se han de dar por la parte de dichos demandadores, a comparecer ante V. ú otra persona competente, autorizada por V. por ese objete, en un lugar tiempo determinado por V. y alli á responder bajo juramento á las varios preguntas y re-preguntas del interrogatorio inserto: y V. se sirvira disponer que los dichos de tal testigo á testigos seran tomados por escrito, y evacuados las deposiciones manda entregar originales, con el interrogatorio y la presente abajo cubierta, serradas y selladas, a la persona que presente esta Requisitoria, para que los traiga ante nuestra corte, y

nosotros corresponderemos en iguales terminos siempre que a nos se presenten las suyas.

Fecha en la ciudad de Galveston en los diez dias del mes de Octubre, y el año de mil ochocieutos y quarenta y nueve.
[SEAL] El Honorable John C. Watrous, de la Corte de Distrito de los Estados Unidos de America para el Distrito de Texas,

Por el Secretario: JAMES LOVE.

Certifico en toda forma de direcho, que el antecedente documento cuyo original se acompaña, está fielmento traducido del idioma Yngles.

Secretario, JAMES LOVE.

DISTRICT COURT OF THE UNITED STATES
District of Texas.

RAFAEL GARCIA CAVAZOS, *et al.*, Plaintiffs,
v.
SIMON MUSSINA, Defendant.

Interrogatories to be propounded to Don J. Antonio Seal de Leon, Don Manuel de la Viña, Don Rafael Pariente, Don Antonio Dominguez, Don George Cavazos, Don Felix de Leon, Don Blas Maria Cavazos, Don Santiago Dominguez, Don Cristeval Morales, Don Trinidad Alberto, Don Juan Manuel Ramires, Don Miguel Alberte, and Don Maximo Valuarde, witnesses to be produced, sworn and examined before the Judge or Tribunal of the town of Camargo, and State of Tamaulipas, acting under the accompanying letter Rogatory, from the District Court of the United States of America, for the District of Texas, on the part of the said plaintiffs.

Interrogatory First. Do you know the plaintiffs to wit: Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos his wife, and Doña Estefana Goseascochea de Certina and the defendant Simon Mussina?

Interrogatory Second. Do you know a tract of land on the East side of the Rio Grande opposite to Matamoras, called "El Potrere del Espiritu Santo," or "El Agostadero del Espiritu Santo." If so, to whom, according to immemorial tradition and general reputation was it first granted, who first took possession of it, and when?

Interrogatory Third. Who have had the possession of the said tract of land since the death of Don José Salvador de la Garza as owners thereof?

Interrogatory Fourth. Look at the paper writing marked E. now exhibited to you, and to be annexed to your deposition in the cause in Chancery between the same plaintiffs and others as defendants, purporting to be a copy of the testament of Don Blas Maria de la Garza. Is or is not the signature at the end thereof purporting to be yours, in fact yours?

Interrogatory Fifth. Are you or not acquainted with the handwriting and signatures of J. Antonio Seal de Leon, Manuel de la Viña and Rafael Pariente? If so, are or are not the signatures to the said paper writing, their true signatures, and is or is not the said paper writing a true and legal copy of the original testament?

Interrogatory Sixth.—Look at the paper writing, marked F., now exhibited to you, and to be annexed to your deposition in the cause in Chancery, between the said plaintiffs and others as defendants, purporting to be a copy of the Testament of Doña Maria Gertrudis de la Garza Falcon. Is, or is not, the signature at the end thereof, purporting to be yours, in fact yours?

Interrogatory Seventh.—Are you or not acquainted with the handwriting and signatures of Santiago Domingues, Cristoval Morales and Trinidad Aedrete? If so, are, or are not, the signatures to the said paper writing, their true signatures, and is, or is not, the said paper writing a true and legal copy of the original Testament?

Interrogatoay Eighth and last.—Do you know any thing more which may be a benefit or advantage to either of the parties in this cause, or which may be material to the subject of this your examination if you set it forth at large in your answer.

ALLEN & HALE,
of Counsel for Plaintiffs.

En la Corte de Distrito de los Estados Unidos,
Distrito de Texas.

Don Rafael Garcia Cavazos et al., Demandadoros,
contra
Don Simon Mussina.

Interrogatorio de Preguntas que han de ser propositas, a los Señores Don J. Antonio Leal de Leon, Don Manuel de la Viña, Don Rafael Pariente, Don Antonia Dominguez, Don George Cabazos, Don Felix de Leon, Don Blas Maria Cabazos, Don Santiago Dominguez, Don Cristoval Morales, Don Trinidad Aldrete, Don Juan Manuel Ramires, Don Miguel Aldrete y Don Maximiliano Vallaverde testigos que pueden ser producidos, jurados y examados ante el Juez ó Tribunal en la villa de Camargo y Estado de Tamaulipas, haciendo de tal, bajo la requisitoria inclusa de la Corte de Distrito de los Estados Unidos de America para el Distrito de Texas, por parte de los Dichos demandadores?

La Primera Pregunta: ¿Conoce V. a los demandadoros a saber. Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos su esposa y Doña Estefana Goseascochea de Cortina, y al demandado Don Simon Mussina?

Le Segunda Pregunta. Conoce V. el terreno sobre el lado oriental del Rio Grande enfrente de Matamoras llamado "El Po-

trero del Espiritu Santo" ó "El Agostadero del Espiritu Santo," Si es asi, á quien segun tradicion immemorial, y reputacion general fué primitvante adjudicado? Quien primero tomo pesecion de ello, y cuando?

La tercera Pregunta? ¿Quienes habian tenido pesecion del dieho terreno como dueños despues de la muerte del dicho Don Jose Salvador de la Garza?

La Cuarta Pregunta: Mire V. el papel-escrito marcado E. ahora exibido á V. (y que dabe ser anexido á su deposicion en la causa en la chancelleria entre los dichos demandadoros y otros como demandados) proponiendo ser copia del Testamento de Don Blas Maria de la Garza? ¿Es ó no la firma al fin de la misma, proponiendo ser la suya, su propia firma de hecho?

La Quinta Pregunta: Conoce V. ó no la letra y firmas de los Señors J. Antonio Leal de Leon, Manuel de la Viña y Rafael Pariente? Si es asi, son ó no las firmas al fin del dieho papel-escrito las veras y propias firmas de ellos? ¿Es ó no el dieho papel-escrito una capia fiel y legal del testamento original?

La Sesta Pregunta: Mire V. el papel eserito marcado E. ahora exhibido á V. (y que ha de ser anexado á su depesicion en la causa en la chancelleria entre los dichos demandadoros y otros como demandados) propiendo ser copia del testamento de Doña Maria Gertrudis de la Garza Falcon. ¿Es ó no la firma al fin del nismo, proponiendo ser la suya, su propia firma, de hecho?

La Septima pregunta: ¿Conoce V. ó no la letra y firmas de los Señores Santiago Dominquez, Cristoval Morales y Trinidad Aldrete? ¿Si es asi, Son ó no las firmas al fine del dicho papel eserito las veras y propias firmas de ellos? Y es ó no el dicho papel eserito una copia fiel y legal del Testamento original?

La octava y ultima Pregunta? ¿Sabe V. algo mes que sea de provecho ó benificio a cualquierira de los demandadores ó demandados, á que sea de importancia en esta su examinacion? Si es asi declara a la larga en su respuesta?

ALLEN Y HALE,
Alagados pro los Demandadores.

And on the same day and year a Letter Rogatory with interrogatories annexed, issued from our said Court to take the deposition of Presbetero Don José Maria Rodrigues, as follows:

Letter Rogatory—Presb. Dn. José Ma. Rodrigues.

UNITED STATES OF AMERICA, *District of Texas.* } *ss.*

The President of the United States of America to any Judge or Tribunal, having jurisdiction of civil causes, in the City of Matamoras, or in the State of Tamaulipas, in the United Mexican States, greeting:

Whereas, a certain suit is pending in our District Court for the

District of Texas, in which Rafael Garcia Cavazos, Maria Josefa Cavazos his wife, and Estefana Goseascochea de Cortina are plaintiffs, and Simon Mussina is defendant, and it has been suggested to us that there are witnesses residing within your jurisdiction without whose testimony justice cannot be completely done between the parties.

We therefore request you that in furtherance of justice, you will, by the proper and usual process of your Court, cause such witness or witnesses as shall be named to you on the part of the said plaintiffs to come before you, or some competent person by you for that purpose appointed and authorized, at a precise time and place, by you to be fixed, and there to answer on their oaths, to the several interrogatories and cross-interrogatories hereunto annexed, and that you will cause their depositions to be committed to writing, and delivered under cover, duly closed and sealed up together with the said interrogatories and these presents, to the person who *who* may present this letter, in order that he may bring them to our said Court, and we shall always be ready and willing to do the same for you in a similar case when required.

Witness the Honorable John C. Watrous, Judge of the District Court of the United States of America, for the District of Texas, at the City of Galveston, on the tenth day of October, in the year one thousand eight hundred and fifty-nine.

[L. S.]

JAMES LOVE, *Clerk.*

EN LOS ESTADOS UNIDOS DE AMERICA,
Distrito de Texas.

El Presidente de los Estados Unidos de America, ò cualquiera juez ó tribunal teniendo jurisdiccion en causas civiles en la ciudad de Matamoras ó en el Estado de Tamaulipas en los Estados Unidos Mexicanos, Salud:

Mediante, que se siguen autos en nuestra Corte de Distrito, para el Distrito de Texas, á instancia de los Señores Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, su muger, y Doña Estefana Goseascochea de Certina, demandadores, contra Don Simon Mussina, demandado, y hemos sido informados que existen entre la jurisdiccion de V. algunos testigos sin cuyas deposiciones la justicia no puede ser enteramente administrada entre las dichas partes.

En esta atencion, rogamos á V. *ni subsidio juris* y por el procese usual de su Tribunal. que mande citar tal testigo ó testigos, cuyos nombres se han de dar por la patre de dichos, demandadores, á comparecer ante V. ú otra persona competente autorizada por V. por ese objete, en un lugar y tiempo determinado por V. y alli á responder bajo juramento, á los varias preguntas y repreguntas del interrogatorio inserto: y V. se servira disponer que los dichos de tal testigo ó testigos seran tomados por escrito, y evac-

uados las deposiciones mandar entregar originales con el interrogatorio y la presente, abajo cubierta, cerradas y selladas, á la persona que presente esta Requisitoria, para que las traiga ante nuestra corte, y nostros corresponderemos en iguales terminos siempre que nos representen las suyas.

Fecha en la cuidad de Galveston en los diez dias del mes de Octubre y el año de mil ocho cientos y cuarenta y nueve. El Honorable John C. Watrous, Juez de la Corte de Distrito de los Estados Unidos de America para el Distrito de Texas.

[L. S.] JAMES LOVE,
Por el Secretario.

Certifico en toda forma de derecho que el antecedente documento cuyo original de acompaña, está fielmente traducido del idioma Yngles.

JAMES LOVE,
Secretario.

DISTRICT COURT OF THE UNITED STATES,
District of Texas.

RAFAEL GARCIA CAVAZOS, *et al.*, plaintiffs,
vs.
SIMON MUSSINA, defendant.

Interrogatories to be propounded to Presbitero Don José Maria Rodriguez, a witness to be produced, sworn and examined before the judge in tribunal acting under the annexed letter rogatory from the District Court of the United States of America, for the District of Texas, on the part of the said plaintiffs.

Interrogatory First.—Do you know the plaintiffs, to wit, Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, his wife, and Doña Estafana Goseascochea de Cortina and the defendant, Simon Mussina?

Interrogatory Second.—Look on this paper writing, marked S., now exhibited to you and to be annexed to your deposition in the cause in chancery between the same plaintiffs, and others as defendants, purporting to be a copy of an entry in the registers of marriages, in the parish church of the town of Reyuesa, relative to the marriage of Don Blas Maria de la Garza. Are you acquainted with the handwriting and signature of Presbitero Don José Maria de la Garza Rodriguez, curate of that town? If so, is, or is not, the signature at the end of such paper writing, his true signature?

Interrogatory Third.—Look on the paper writing, marked T., now exhibited to you, and to be annexed to your deposition in the cause in chancery, between the same plaintiffs and others as defendants, purporting to be a copy of an entry made in the registers of marriages of the parish church of the town of Camargo, relative to the marriage of Doña Xaviera or Gaveira de la Garza.

Are you acquainted with the handwriting and signature of Presbitero Don José Francisco, curate of the said town? Is, or is not, the signature to the said paper writing his signature?

Interrogatory Fourth.—Are you or not the Curate of the city of Matamoras and its jurisdiction; if not who is the curate? If you are, are there or not under your charge, the registers of the marriages and deaths which have taken place in the said city since the year 1800? If so, when does it appear from the said registers that Don Blas Maria de la Garza died? Annex to your answer to this question in the other cause in Chancery, a true copy of any entry in the said registers relative to the death of the said Don Blas.

Interrogatory Fifth.—When does it appear from the said registers, that Doña Francisca Xaviera de la Garza died? Annex to your answer to this question in the other cause in Chancery, a true copy of any entry in the said registers relative to the death of the said Doña Francisca Xaviera?

Interrogatory Sixth.—When does it appear from the said registers that Doña Francisca Cavazos died? Annex to your answer to this question in the other cause in Chancery a true copy of any entry in the said registers relative to the death of the said Doña Francisca Cavazos?

Interrogatory Seventh.—When does it appear from the said registers that Doña Maria Joséfa Cavazos was married, and to whom? Annex to your answer to this question in the cause in Chancery a true copy of any entry in the said registers relating to the marriage of this lady.

Interrogatory Eighth and last.—Do you know any thing else which might be a benefit or advantage to any of parties in this cause, or material to the subject of this your examination? If yea, set it forth at large in your answer.

ALLEN & HALE,
Of Counsel for Plaintiffs.

EN LA CORTE DE DISTRITO DE LOS ESTADOS UNIDOS,
Distrito de Texas.

DON RAFAEL GARCIA CAVAZOS, *et al.*, Demandadores,
contra
DON SIMON MUSSINA, Demandado.

Interrogatorio de Preguntas, que han de ser propositas al Presbitero Don José Maria Rodriguez un testigo, que pueda ser producido jurado y examinado ante el Juez á Tribunal en la ciudad de Metamoras y Estado de Tamaulipas, haciendo de tal, bajo la Requisitoria inclusa, de la Corte de Distrito de los Estados Unidos de America para el Distrito de Texas, por la parte de los Demandadores.

La primera pregunta ¿Conoce V. ó no á los demandadores á

Saber Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos su esposa, y Doña Estafana Goseascochea de Cortina, y al Demandado Don Simon Mussina?

La segunda pregunta. Mire V. este el papel escrito marcado So ahora exhibido á V. [á que ha de ser anexado á su deposicion en la otra causa en la Chancelleria] proponiendo ser copia de Partida en los registros eclesiasticos de casamientos en la parroquia de la villa Reynosa, tocante al casamiento de Don Blas Maria de la Garza, conoce V. la letra y firma del Presbitero Don Antonio de la Garza Rodriguez cura en la dicha Villa? Si es asi ¿es ó no la firma al fin del dicho papel escrito, su propia y vera firma?

La tercera pregunta ¿Mire V. el papel escrito marcado T [y que ha de ser anexado a su repuesta en la otra causa en la Chancelleria] proponiendo ser copia de partida en los registros eclesiasticos de casamientos en la parroquia de la villa de Camargo, tocante al casamiento de Doña Xaviera [ó Javiera] de la Garza. ¿Conoce V. la letra y firma del Presbitero Don José Francisco Ricio, cura en la dicha Villa? ¿Si es asi ¿Es ó uo la firma al fine del dicho papel escrito proponiends ser la firma del dicho Señor, su propia firma de hecho.

La cuarta pregunta ¿Es V. ó no el cura de la ciudad de Matamoras y su jurisdiccion? Si no lo es V. quien lo es? Si es V. el cura, ¿Son ó no de su cargo los registros de los casamientos y muertes, que se hicieron en la dicha ciudad, despues del año de 1800? Si es asi? ¿Cuando, segun consta en los dichos registros murio Don Blas Maria de la Garza. Anexe V. á su respuesta á esta pregunta en la otra causa en la Chancilleria una copia fiel de cualquier partida en los dichos registros, tocante la muerte del dicho señor.

La Quinta Pregunta: ¿cuando segun que consta en los dichos registros, murio Doña Francisca Xaviera de la Garza? Anexe V. á su repuesta á esta pregunta en la otra causa en la Chancilleria una copia fiel de cualquier partida en los dichos registros tocante la muerte de la dicha Señora.

La Sesta Pregunta ¿cuando segun que consta en los dichos registros, murio Doña Francisca Cavazos? Anexe V. á su respuesta á está pregunta en la otra causa en la Chancilleria una copia fiel de cualquier partida en los dichos registros, tocante la muerte de la dicha Señora.

La Septima Pregunta: ¿Cuando segun que consta en los dichos registros, se casó Doña Maria Josefa Cavazos? Anexe V. á está Pregunta en la otra causa en la chancilleria una copia fiel de cualquier partida en los dichos registros tocante el casamiento de la dicha Señora.

La Octava y ultima preguuta: ¿Sabe V. algo mas que sea de provecho ó benificio á cualquiera de los demandadores ó demandados ó sea de importancia en esta su examinacion? Si es asi declare á la larga en su respuesta?

ALLEN Y HALE,
Abogados por parte de los demandadores.

And on the same day and year a Letter Rogatory with interrogatories annexed, to Don Jesus Cardenas, and others issued herein, in the words and figures following, that is to say:

Letter Rogatory—Dn. Jesus Cardenas, et al.

UNITED STATES OF AMERICA, } ss.
District of Texas. }

The President of the United States of America, to any judge or tribunal, having jurisdiction of civil causes, in the town of Camargo, or in the State of Tamaulipas, in the United Mexican States. Greeting:

Whereas, a certain suit is pending in our District Court for the District of Texas, in which Rafael Garcia Cavazos, Maria Josefa Cavazos his wife, and Estefana Goseascochea de Cortina are plaintiffs, and Simon Mussina is defendant, and it has been suggested to us that there are witnesses residing within your jurisdiction without whose testimony justice cannot be completely done between the parties.

We therefore request you that in furtherance of justice, you will by the proper and usual process of your Court, cause such witness or witnesses as shall be named to you on the part of the said plaintiffs, to come before you, or some competent person by you for that purpose appointed and authorized, at a precise time and place, by you to be fixed, and there to answer on their oaths, to the several interrogatories and cross-interrogatories hereunto annexed, and that you will cause their depositions to be committed to writing, and delivered under cover, duly closed and sealed up together with the said interregatories and these presents, to the person who may present this letter, in order that he may bring them to our said Court, and we shall always be ready and willing to do the same for you in a similar case when required.

Witness the Honorable John C. Watrous, Judge of the District
[L. S.] Court of the United States of America, for the District of Texas, at the City of Galveston, on the tenth day of October, in the year one thousand eight hundred and fifty-nine.

JAMES LOVE, *Clerk.*

EN LOS ESTADOS UNIDOS DE AMERICA, }
Distrito de Texas. }

El Presidente de los Estados Unidos de America á cualquiera Juez ó Tribunal teniendo jurisdiccion de causas civiles en la ciudad de Victoria, ó en el Estado de Tamaulipas, en los Estados Unidos Mexicanos, salud:

Mediante que se siguen autos, en nuestra Corte de Distrito para el Distrito de Texas á instancia de los Señores Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, su muger, y Doña Estefana

Goseascochea de Cortina, Demandadores, contra Don Simon Mussina, Demandado, y hemos side informados que existen entre la jurisdiccion de V algunos testigos sin cuyas deposiciones la justicia no puede ser enteramente administrada entre las dichas partes.

En esta atencion rogamas á V, *in subsidio juris*, y por el proceso usual de su tribunal, que manda citar tal testigo ó testigos, cuyos nombres se han de dar por la parte de los dichos demandadores á comparecer ante V, á otra persona competente, autorizada per V, por ese objeto en un lugar y tiempo determinada por V, y alli á rosponder bajo juramento a las varias preguntas y re preguntas del interrogatorio inserto; y V se servira disponer que los dichos de tal testigo é testigos, seran tomades por escrito, y evacudos las deposiciones mandar entregar originales con el interrogatorio, a la persona que presente esta requisiteria para que las traiga ante nuestra Corte; y nosotros corresponderemos en iguales terminos siempre que a nos se presenten las suyas.

Fecha en la ciudad de Galveston, en los diez dias del mes de Octobre, y el año de mil ochocientos y quarenta y nueve. El Honorable John C. Watrous, Juez de la Corte de Distrito de les Estados Unidos de America para el Distrito de Texas.

Por el Secretario, JAMES LOVE.

Certifico en tada forma de derecho, que el antecedente documente cuyo original se acompaña está fielmente traducida del idioma Yngles.

Secretario, JAMES LOVE.

DISTRICT COURT OF THE UNITED STATES,
District of Texas.

RAFAEL GARCIA CAVAZOS *et al.*, Plaintiffs,
vs.
SIMON MUSSINA, Defendant,

Interrogatories to be propounded to his Excellency Don Jesus Cardenas, Doctor Ramon F. Valdez, Don Deno de Vargas, Licenciado Don José Nuñez de Carceras, and Licenciado Don Antonio Canales, witnesses to be produced, sworn and examined before the Judge or Tribunal in the city of Victoria and State of Tamaulipas, acting under the annexed Letters Rogatory from the District Court of the United States of America for the District of Texas, on the part of the said plaintiffs:

Interrogatory First. Do you know the plaintiffs, to wit: Don Rafael Garcia Cavazos, Dona Maria Josefa Cavazos, and Doña Estefana Goseascochea de Cortina, and the defendant, Simon Mussina?

Interrogatory Second. What public station do you hold in the government of the State of Taumaulipas? Were you ever a Deputy in the Congress of said State, and if so, when?

Interrogatory Third. (To Sres. D. José Nunez de Carceres and Don Antonio Canales.) Are you not a lawyer?

Interrogatory Fourth. To all.) Are you acquainted with the laws and usages prevailing in the State of Tamaulipas?

Interrogatory Fifth. What was the form of proceeding under the colonization law of the State of Tamaulipas, promulgated in 1825, in making concessions of land?

Interrogatory Sixth. In what case was a direct title issued by the Governor to the applicant after the interested party had been formally put into the possession of the land by the Alcalde? Was such direct title usual, or not, after the party had been put in possession?

Interrogatory Seventh. What was the object of making the old surveys under the Spanish Government by lines? Was it to mark out the exterior boundaries, or to fix the quantity of land contained within the grant, in order to know the amount of money to be paid by the grantee to the government?

Interrogatory Eighth. When the shape or figure of the land was irregular, did the old surveyors run their lines along the irregular exterior, or run them straight across, and afterwards include the property which was computed to be within these lines and the irregular exterior boundaries?

Interrogatory Ninth and last. Do you know anything else which may be a benefit or advantage to either of the parties in this cause, or material to the subject of this, your examination. If yea, set it forth at large in your answer.

ALLEN & HALE,
of Counsel for Plaintiffs.

EN LA CORTE DE DISTRITO DE LOS ESTADOS UNIDOS,
Distrito de Texas.

DON RAFAEL GARCIA CAVAZOS, et al., Demandadores,
contrá,
DON SIMON MUSSINA, Demandado.

Interrogatorio de Preguntas que han de ser propositas al Excellentisimo Señor Gobernador, Don Jesus Cardenas, Doctor Ramon F. Valdez, Don Eleno de Vargas, al Licenciado Don Jose Nuñez de Carceres y al Licenciado Don Antonio Canales, testigos que pueden ser producidos jurados y examinados ante el juez ó tribunal en la Ciudad de Victoria, y Estado de Tamaulipas, haciendo de tal bajo la Requisitoria, inclusa de la Corte de Distrito de los Estados Unidos de America para el Distrito de Texas, por la parte de los demandadores.

La Primera Pregunta. Conoce V. á los demandadores á saber, Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, su esposa, y Doña Estefana Goseascochea de Cortina, y Don Simon Mussina, el demandado?

La Segunda Pregunta. Que oficio publico tiene V. en el Gobierno del Estado de Tamaulipas. Ha Sido V. ó no deputado en el Congreso del Estado, y si es asi, cuando?

La Tercera Pregunta: (á los Señores Lie Jose Nuñez de Carceres, y Lie Antonio Cañales,) son Vds ó no abogados?

La Cuarta Pregunta. Cual es la forma de procedor bajo la ley de Colonizacion del Estado de Tamaulipas, publicada en el año de 1825, en haciendo concesiones de tierras?

La Sesta Pregunta. En que caso fué expedido titulo directo por el Gobernador al aplicante despues que el interesado ha sido formalmente puesto en posecion del terreno por el Señor Alcalde Fué, usual ó no tal titulo directo despues que el interesado ha sido puesto en posecion.

La Septima Pregunta. Cual era el objeto de hacer las medidas de tierras bajo el Gobierno Espagñol en tiempos pasados por lineas? Fué tal objeto para determinar sus linderos exteriores, ó ól contrario, para fixar la cantidad de tierra contenida en la concesion con el fin de saber la suma de dinero, que ha de ser pagado por el concesionario al Gobierno?

La Octava Pregunta. Cuando la figura de la tierra era irregular, que hacian los agrimensores viejos? era cestumbre con ellos medir sus lineas por la irregularidad ó derecho atraversada y despues inclir la cantidad que habia entre las dichas lineas y los linderos irregulares exteriores?

La Nona y Ultima Pregunta. Sabe V. algo mas que sea de provecho ó beneficio ó qualquiera de los demandadores ó demandados en esta causa ó de importancia en esta su examinacion. Si es asi declara lo á la larga en su respuesta?

ALLEN Y HALE,
Abogados *por* Demandadores.

Cross-Interrogatories.

DISTRICT OF TEXAS, ss.

In the District Court of the United States, in and for said District.

DON RAFAEL GARCIA CAVAZOS, et al.,
v.
SIMON MUSSINA.

Reserving all legal right to object to the form and substance of the interrogatories filed, and the answers to the same and the mode of taking the evidence in their behalf, the defendant files and propounds the following cross-interrogatories to the witnesses, offered to prove the facts referred to in the interrogatories of the plaintiffs.

Cross-Interrogatory First. Did the law prescribe, or did usage sanction, any general uniform mode of proceeding in obtaining

or making concessions of land, under the colonization law of 1825? State all the modes of proceeding under said law, if more than one mode prevailed, or was pursued by the acquiescence of the government. Please also to state whether the law prescribed, or usage sanctioned, any general uniform mode of proceeding, to obtain direct titles from the government for land, of which formal possession had been given by an Alcalde. Were such titles given. If any, in what cases, and in what cases were they withheld. Did the government issue them readily or reluctantly. What was its usual course?

Cross-Interrogatory Second. Did the Spanish or Mexican law specify and assign any particular object, to attain which the old surveys were made; or did any usage prevail which specially recognized such object. Was or was not this object two-fold, to fix the exterior boundaries and to ascertain the quantity of land to be paid for?

Cross-Interrogatory Third. In running the exterior lines of surveys, did the old surveys pursue any uniform system. Did the law or usage require it. If the shape of the tract was irregular, and the saw fit to run straight lines, and compute the quantity thus embraced, did they not describe the true exterior line, according to its real directions and bearings, however irregular, and if that line was a crooked river, sea coast, or other natural or fixed boundary, was not that taken and described as the boundary and true exterior line of the survey, without reference to any straight interior line, run for convenience of making estimates of the quantity of land included therein.

JOHNSON & SWEET,
Attorneys for Defendants.

DISTRITO DE TEXAS.

RAFAEL GARCIA CAVAZOS *et al.*, *vs.* SIMON MUSSINA. } Eu la corte del Distrite de los Estados Unides para el Distrito ante dicho.

Reservandose a si mismo, todo derecho legitimo objetár á la forma y la substancia de los interrogatorios ensertados y las respuestas á ellos, y la manera de tomar la evidencia en este favor, El Reo demandado inserta y propone los interrogatorios al traves siguentes á los testigos ofrecidos para establecer los hecuos referidos en los interrogatorios de los demandadores.

Interrogatorio al traves primero; Queda mandado por la ley ó confirmado per costumbre continuada, un metodo, uniforme, general de proceso para obtener ó hacer concesiones de tierras en conformidad a la ley de colonizacion de año 1825? Declara todos los metodos de procese en conformidad de dicha ley, se praticaban mas de uno ó si usaban continuamente con aprobacion del Gobierno: declara V tambien, si la ley mandaba ó costumbre continuada, con-

firmaba cualquier metodo de procese uniforme y general, para obtener concesiones de derechos legales, de tierras, del Gobierno, la posecion de las cuasas que deben darlas en debida forma por un Alcalde? practicaban los Alcaldes dar tales derechos de tierra? Si sea asi? cuales contigencias los daban, y en cuales negaban? Los han dado el Gobierno prontamente ó con repugnancia?? cual disposicion en la matera ha manifestado generalmente?

Interrogatorie-al traves-segundo: Espesificaban ó señalaban las leyas de España ó de Mejico. Cualquier objete especial que deceaban obtener cuando practicaban ó causaban practicar las medidas de tierras antiguas? ó predomniaba por costumbre algun proceso que reconocia tal objeto?? Estava ó no este objete de dos vees, tanto para establecer los limites esteriores como asegurar la cantidad de tierras conocidas y por que el concesenario debe pagar?

Interrogatorio-al-traves-tercero: En practicando las lineas esteriores de las medidas de tierras, practiçaban los agrimensores antiguos cualquier metodo ó sistema en forma? lo mandaba la ley ó la costumbre? Si la forma de las tierras medidas, fue irrègular, y los agrimensores prefierian medir por lineas rectas y computar la cantidad de tierras abrazadas, delineaban ó no las lineas exteriores veras, segun sus verdaderas, corridas y situaciones aunque sea irregular, y si la linea exterior sea la margen de un rio enconado, la playa, y otro limite natural ó permanente, no tomaban y delinreaban tal lindero ó limite, sea el lindero ó limite y linea vera exterior dela medida, sin relacion alguna a cualquiera linea recta interior, practicada, para su comodidad de los agrimensores para computar la cantidad de terras inclusas?

JOHNSON Y SWETT,
Abogados per el Reo demandado.

And afterwards, to wit, on the fifteenth day of October, of the same year, a set of interrogatories in the English language were filed herein, and are in the words following, to wit:

Interrogatories to Witnesses on Pedigree.

DISTRICT COURT OF THE UNITED STATES,
District of Texas.

RAFAEL GARCIA CAVAZOS, *et al.*, Plaintiffs,
vs.
SIMON MUSSINI, Defendant.

Interrogatories to be propounded to the witnesses who may be produced by the plaintiffs before the Judge or Tribunal of the City of Matamoras, and State of Tamaulipas, acting under the annexed Letter Rogatory from the District Court of the United States of America, for the District of Texas.

Interrogatory First.—Do you, or not, know the plaintiffs in this cause, to wit, Don Rafael Garcia Cavazos, Doña Maria Josefa Ca-

vazos his wife, and Doña Estefana Goseascochea de Cortina, and the defendant, Simon Mussina?

Interrogatory Second.—Are you, or not, a relative of one of the said plaintiffs?

Interrogatory Third.—Have you, or not, ever heard any of the parents, relations, or ancestors, now deceased, of the said plaintiffs, (and if so, whom) speak in their lifetime about Don José Salvador de la Garza? If so, what relation did they say he bore to them, and to the said plaintiffs, or any one of them? Who did they say was the wife of the said Don José Salvador de la Garza? When did they say he was married? When did he die?

Interrogatory Fourth.—Have you, or not, ever heard any of the parents, relations, or ancestors of the said plaintiffs, (and if so, whom,) speak in their lifetime about Don Blas Maria de la Garza? If so, what relation did they say he bore to them, and to the said plaintiffs, or any of them? Who did they say was his father? Who his mother? Who did they say was the wife of the said Don Blas Maria de la Garza? When did they say he was married? When did he die? What children had he living at the time of his death?

Interrogatory Fifth.—Were you, or not, ever acquainted with Doña Francisca Cavazos? Were you, or not, ever acquainted with her family relations? If so, to whom was she married, and when? What children of hers were living at the time of her death?

Interrogatory Sixth.—What relation did the said Doña Francisco Cavazos bear to Doña Maria Ignacia Cavazos? and also to Doña Maria Josefa Cavazos? Who was the mother of the said Doña Maria Josefa Cavazos?

Interrogatory Seventh.—To whom was the said Maria Ignacia Cavazos married? When was she married? When did her husband die? When did she die?

Interrogatory Eighth.—Who, according to the general reputation and belief in places where the family was known, was the father of Don Blas Maria de la Garza? Who was the wife of Don Blas? When did he die? When did his wife die? What children had they living at the time of his death?

Interrogatory Ninth.—Who, according to the general reputation and belief in places where the family was known, was the mother of Doña Maria Josefa Cavazos? What relation was the mother of Doña Maria Josefa Cavazos to Doña Francisco Cavazos, wife of Don Blas Maria de la Garza?

Interrogatory Tenth.—Have you or not ever heard any of the parents, relatives, or ancestors, now deceased, of the plantiffs, (and, if so, whom?) speak in their lifetime about Doña Francisco Xaviera (or Javiera) de la Garza? And, if so, what relation did they say she bore to any one of the plaintiffs and to themselves? Who did they say was her father? Who was her mother? To whom was she married?

Interrogatory Eleventh.—Have you or not ever heard any of the parents, relations, or ancestors of the said plaintiffs, now deceased, (and, if so, whom?) speak in their lifetime about Doña Estafana Goseascochea, one of the present plaintiffs? And, if so, who did they say was her mother? Who was her father? To whom was she married? And is her husband now living?

Interrogatory Twelfth.—Are you, or not, acquainted with the said Doña Estafana Goseascochea de Cortina and her family? And, if so, who was her husband, and is he still living? Who was her father? who was her mother? and are either of them now alive?

Interrogatory Thirteenth.—Who, according to general reputation and belief in places where the family was known, was the father of Doña Francisco Xaviera de la Garza? Who was the father, and who was the mother of Doña Estafana Goseascochea de Cortina?

Interrogatory Fourteenth.—Are you a child of any of the plaintiffs in this cause? and, if so, of which plaintiff or plaintiffs? Who have you always considered to be the father and the mother of your mother? What relation was Doña Maria Ignacia Cavazos to Doña Francisca Cavazos? Who was the father of Don Blas Maria de la Garza? Who was the mother of Doña Estafana Goseascochea de Cortina?

Interrogatory Fifteenth and last.—Do you know anything else which may be a benefit or advantage to the parties at issue in this cause or material to this, your examination? If yea, set it forth at large in your answer.

ALLEN & HALE,
Of Counsel for Plaintiffs.

And upon the said day and year the foregoing interrogatories, in the Spanish language, were filed herein, and are as follows, to wit:

Interrogatories upon Pedigree in Spanish.

EN LA CORTE DE DISTRITO DE LOS ESTADOS UNIDOS,
Distrito de Texae.

RAFAEL GARCIA CAVAZOS *et all-*, Demandadores,
Contra
SIMON MUSSINA, Demandado.

Interregatorio de preguntas que han de ser propositas á los testigos, que pueden ser producidos ante el Juez ó Tribunal en la ciudad de Matamoras y Estado de Tamaulipas, haciendo de tal, bajo la Requisitoria inclusa de la corte de Distrito de los Estados Unidos de America, para el Distrito de Texas.

La Primera Pregunta: Conoce V. á los demandadores á saber.

Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, su esposa, y Doña Estefana Goseascochea de Cortina, y á la demandado Don Simon Mussina?

La Segunda Pregunta: Es V. ó no pariente de cualquiera de los dichos demandadores?

La Tercera Pregunta: ¿Ha oido V. ó no á los padres, Parientes ó antecesores, ya difuntos, de los dichos demandadores (y si es asi quien?) hablar durante sus vidas, de D. José Salvador de la Garza? Si es asi ¿que parentesco dijeron ellos, que tenian con ellos, y con cualquiera de los dichos demandadores? ¿Quien dijeron, fué la esposa del dicho Don José Salvador de la Garza? ¿Quando, dijeron fué casado? ¿Cuando murió?

La Cuarta Pregunta: ¿Ha oido V. ó no á los Padres, Parientes ó Antecesores, ya difuntos, de los dichos demandadores (y si es asi quien?) hablar durante sus vidas Don Blas Maria de la Garza? Si es asi, que parentesco dijeron ellos, que tenia con ellos, y con cualquiera de los dichos demandadores. ¿Quien dijeron fué su padre? ¿Quien su madre? ¿Quien dijeron fué la esposa del dicho Don Blas Maria de la Garza? ¿Cuando dijeron que fué casado? Cuando murió? Cuales hijos tenia que vivian al tiempo de su muerte?

La Quinta pregunta: ¿Conocia V. ó no, á Doña Francisca Cavazos? Conocio V. ó no a su familia ó sus parientes? Si es asi, á quien fué ella casado, y cuando? Que hijos tenia, que vivian al tiempo de su muerte?

La Sesta pregunta ¿Que parentesco tenia la Dicha Doña Francesca Cavazos con Doña Maria Ignacia Cavazos? y tambien con Doña Maria Josefa Cavazos, Quien fué la madre de la dicha Doña Maria Josefa Cavazos?

La Septima pregunta ¿A quien fué casado la dicha Maria Cavazos? Cuando fué casado? Cuando murio su marido? Ignacia Cuando murio ella?

La octava pregunta: Quien segun la reputacion y creéncia general, donde la familia era cenocida fué el padre de Don Blas Maria de la Garza? Quien fué su esposa? Cuando murió? Cuando murió su esposa? Que hijos tenian que vivian al tiempo de su muerte?

La Nona Pregunta: Quien segun la reputacion y creéncia general, donde la familia era cenocida, fué la madre de Doña Maria Josefa Cavazos? Que parentesco tenia la madre de Doña Maria Josefa Cavazos con Doña Francisca Cavazos, esposa de Don Blas Maria de la Garza?

La decima pregunta: ¿Ha oido V. ò no á los Padres, Parientes y antecesores ya difuntos, de los demandadores (y si es asi quien?) hablar durante sus vidas de Doña Francisce Xaviera ò Javiera de la Garza? Y si es asi, que parentesco dijeron ellos que tenia ella cen ellos ó con cualesquiera de los dechos demandadores? Quien

dijeron fué su padre? Quien fué su madre? A quien fue ella casada?

La Undecima pregunta; ¿ Ha oido V. ó no a los Padres Parientes ó antecesores, ya difuntos de los dichos demandadores (y si es asi quienes) hablar durante sus vidas, de Doña Estefana Goseascohea de Cortina, una de los demandadores? Y si es asi quien dijeron ellos fué su padre? Quien su madre? Y viven ahora ellos á saber, los padres de la dicha Señora?

La duodecima pregunta: Conoce V. ó no la dicha Señora, Doña Estefana Goseascochea de Cortina, y á su familia? Sé es asi ¿ quien fué su marido? y vive ahora él? Quien fué su Padre? Quien fué su madre? y viven ellos ó no?

La decima tercera pregunta: Quien segun la reputacion y creéncia géneral donde la familia era conocida fué el Padre de Doña Francisca Xaviera de la Garza? Quien fué la madre? Quien fué la madre y quien fué el Padre de Doña Estefana Goseascochea de Cortina segun reputacion general?

La decima cuarta pregunta: Es V. hijo de cualquiera de los demandadores en esta causa, y si es asi, de quien de ellos? Quien ha siempre creido V ser el Padre y la madre de su madre. Que parentesco tenia Doña Maria Ignacia Cavazos con Doña Francisca Cavazos? Quien fué el Padre de Don Blas Maria de la Garza? Quien fué la madre de Doña Estefana Goseascochea de Cortina?

La decima quinta y ultima pregunta: Saba V. algo mas que sea do benificio ò provecho á qualquiera de los demandadores ó demandados en esta causa, ó sea de importancia en esta su examinacion? Si es asi, diclara lo á la larga en su respuesta.

ALLEN Y HALE.
Abogados pro Demandadores.

And on the same day and year, interrogatories to witnesses upon pedigree, were filed herein, which were as follows, to wit:

Interrogations upon Pedigree.

DISTRICT COURT OF THE UNITED STATES,
District of Texas.

RAFAEL GARCIA CAVAZOS, *et al* Plaintiffs,
vs.
SIMON MUSSSINA.

Interrogatores to be propounded to the witnesses who may be produced before the Judge or Tribunal, in the town of Camargo and State of Tamaulipas, acting under the annexed Letter Rogatory, from the District Court of the United States of America for the District of Texas.

Interrogatory First.—Do you, or not, know the plaintiffs in this cause to wit, Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, his wife, and Doña Estefana Goseascochea de Cortina, and the defendant Simon Mussina.

Interrogatory Second.—Are you, or not, a relation of one of the said defendants?

Interrogatory Third.—Have you, or not, ever heard any of the parents, relations or ancestors now deceased, of the said plaintiff (and if so, whom), speak in their life time about Don José Salvador de la Garza? If so, what relation did they say he bore to them, and to the said plaintiffs, or any one of them? Who did they say was the wife of the said Don José Salvador de la Garza? When did they say he was married? When did he die?

Interrogatory Fourth.—Have you, or not, ever heard any of the parents, relations or ancestors, now deceased, of the said plaintiffs, (and if so, whom,) speak in their life time about Don Blas Maria de la Garza? If so, what relation did they say he bore to them, and to the said plaintiffs or any of them? Who did they say was his father, who his mother? Who did they say was the wife of the said Don Blas Maria de la Garza. When did they say he was married? When did he die? What children had he living at the time of his death?

Interrogatory Fifth.—Were you, or not, ever acquainted with Doña Francisca Cavazos? Where you or not, ever acquainted with her family or relations? If so, to whom was she married, and when? What children of hers were living at the time of her death?

Interrogatory Sixth. What relation did the said Doña Francisca Cavazos bear to Doña Maria Ignacia Cavazos, and also to Doña Maria Josefa Cavazos? Who was the mother of the said Doña Maria Josefa Cavazos?

Interrogatory Seventh. To whom was the said Maria Ignacia Cavazos married? When was she married? When did her husband die? When did she die?

Interrogatory Eighth. Who, according to general reputation and belief, in places where the family was known, was the father of Don Blas Maria de la Garza? Who was the wife of Don Blas? When did he die? When did his wife die? What children had they living at the time of his death?

Interrogatory Ninth. Who, according to general reputation and belief, in places where the family was known, was the mother of Doña Maria Josefa Cavazos? What relation was the mother of Doña Maria Josefa Cavazos to Doña Francisca Cavazos, wife of Don Blas Maria de la Garza?

Interrogatory Tenth. Have you, or not, ever heard any of the parents, relations or ancestors, now deceased, of the plaintiffs (or if so, when) in their lifetime speak about Doña Francisca Xaviera, or Javiera de la Garza? And if so, what relation did they say she bore to any one of the said plaintiffs, or to themselves? Who did they say was her father? Who was her mother? To whom was she married?

Interrogatory Eleventh. Have you, or not, ever heard any of the parents, relatives or ancestors of the said plaintiffs, now deceased (and if so, whom), speak, in their lifetime, about Doña Estafana Goseascochea de Cortina, one of the present plaintiffs, and if so, whom did they say was her father? Who was her mother? To whom was she married, and is her husband now living?

Interrogatory Twelfth. Are you, or not, acquainted with the said Doña Estafana Goseascochea de Cortina and her family? And if so, who was her husband, and is he still living? Who was her father? Who was her mother? And are either of them now alive?

Interrogatory Thirteenth. Who, according to general reputation and belief, in places where the family is known, was the father of Doña Francisca Xaviera de la Garza? Who was the mother, and who was the father of Doña Estafana Goseascochea de Cortina?

Interrogatory Fourteenth. Are you a child of any of the plaintiffs in this cause, and if so, of which plaintiff or plaintiffs? Who have you always considered and believed to be the father and mother of your mother? What relation was Doña Maria Ignacia Cavazos to Doña Francisca Cavazos? Who was the father of Don Blas Maria de la Garza? Who was the mother of Doña Estafana Goseascochea de Cortina?

Interrogatory Fifteenth, and last. Do you know anything else which may be a benefit or advantage to the parties at issue in this cause, or material in this your examination? If yea, set it forth at large in your answer.

ALLEN & HALE,
Attorneys for Plaintiffs.

And on the same day and year the foregoing set of interrogatories, in Spanish languge, were filed herein, and are in the words and of the tenor following, to wit:

Interrogatories upon Pedigree.—Spanish.

EN LA CARTE DE DISTRITO DE LOS ESTADOS UNIDOS,
Distrito de Texas.

RAFAEL GARCIA CANAZOS, et al., Demandados,
contra
SIMON MUSSINA.

Interrogatorio de Preguntas que han de ser propositas á los testigos que pueden ser producidos ante el Juez ó Tribunal en la Villa de Camargo y Estado de Tamaulipas, haciendo de tal bajo la Requisitoria inclusa de la Corte de Distrito de los Estados Unidos de America para el Distrito de Texas:

La Primera Preguuta ¿Convoce V. ó no á los Demandadores á saber Don Rafael Garcia y Doña Estefana Goseascochea de Cortina v á el demandado Don Simon Mussina?

La Secunda Pregunta. ¿Es V. ó no pariente de cualquiera de los dicho demandadores?

La Tercéra pregunta ¿Ha oido V. ó no ú los padres parientes y antecesores y a difiutos de los dichos demandadores (y si es asi quien?) hablar durante sus vidas de Don José Salvador de la Garza? Si es asi, que Parentesco dijeron ellos que tenian con ellos y con cualquiera de los dichos demandadores ¿Quien dijeron fué la Esposa del dicho Don José Salvador de la Garza? Cuando dijeron fué casada ¿Cuendo murio.

La cuarta Pregunta ¿Ha oide V. ó uo á los Padres Parientes y Antecesores ya difuntos de los dichos demandadores (y si es asi quien?) hablar durante sus vidas de Don Blas Maria de la Garza? Si es asi, que parenteo dijeron ellos, que tenian con ellos y con cualquiera de los dichos demandadores? Quien dijeron fué su padre? Quien su madre? Quien dijeron fué la Esposa del dicho Don Blas Maria de la Garza Cuando dijeron que fué casado? Cuando murio? Cuales hijos tenia que vivian al tiempo de su muerte?

La Quinta Pregunta: ¿Conocia V. ó no, á Doña Francisca Cavazos? Conocia V. ó nó a su familia ó sus parientes? Si es asi á quien fue ella casado y cuando? Que hijos tenia que vivian al tiempo de su muerte?

La Sesta Pregunta: Que parentesco tenia la dicha Doña Francisca Cavazos con Doña Maria Ignacia Cavazos, y tambien Doña Maria Josefa Cavazos? Quien fué la madre de la dicha Doña Maria Josefa Cavazos.

La Septinia Pregunta: A quien fué casada la dicha Maria Ignacia Cavazos? Cuando fué casada? Cuando murio su marido? Cuando murio ella?

La Octava Pregunta: ¿Quin segun la reputacion y creéncia general donde la familia conocida fué el Padre de Don Blas Maria de la Garza¿ Quein fué su Espesa ? cuando murió? Cuando murió su espoza? Que hijos tenian que vivian al tiempo de su muerte?

La Nona Pregunta: Quien segun la reputacion y creéncia general donde la familia era conocida fué la madre de Doña Maria Josefa Cavazos: Que parentesco tenia la madre de Doña Maria Josefa Cavazos con Doña Francisca Cavazos esposa de Don Blas Maria de la Garza?

La Decinia Pregunta: ¿Ha oido V. ó no, á los padres Praientes y anteceseros yá nuertos de los Demandadores (y si es asi, quien ?) hablar durante sus vidas de Doña Francisca Xaviero ó Javiera de la Garza? ¿y si es asi que parentesco dijeron ellos que tenia ella con ellos ó con cualquiera de los dichos demandadores ¿ Quein dajeron fué su padre? Quien fué su madre? A quien fué ella casada?

La Undecima Pregunta: Ha oido V. ó no, á los padres parientes ó Autecesores ya defuntos de los diehos demandadores

(y si es asi quien?) hablar durante sus vidas de Doña Estefana Goseascochea de Cortina una de los demandadores? y si es asi quien dijeron ellos fué su padre? Quien su madre? y viven ahora ellos, á saber, los padres de la dicho Señora?

La Duo-decima Pregunta: Conoce V ó no, a la dicha Señora Doña Estefana Goseascochea de Cortina y a su familia? Si es asi, quien fué su marido, y vive el ahora? quein fué su padre, quein fué su madre y viven ellos ahora ó no?

La Decima-tercera Pregunta: Quien segun la reputacion y y creéncia general donde la familia era conocida fué el padre de Doña Francisca Xaviera de la Garza? Quein fué la madre? Quien fué la madre y quien fué el Padre de Doña Estefana Goseascoehea de Cortina sugun reputaciou general?

La Decima-cuarta Pregunta? Es V. hijo de cualquiera de los demandadores en esta causa, y si es asi de quien de ellos? Quien ha siempre creido V. ser el padre y la madre de su madre¿ Que parentesco tenia Doña Maria Ygnacia Cavazos con Doña Francisca Cavazos? Quien fué el padre de Don Blas Maria de la Garza? Quien fué la madre de Doña Estefana Goseascochea de Cortina?

La Decima-quinta y ultima Pregunta: Sabe V algo mas que sea de provecho ó beneficio á cualquiera de los demandadores ó demandados en esta causa ó que sea de importancia en esta su examinacion? Si es asi declara lo á la larga en su respruesta.

ALLEN Y HALE,
Abogados pro demandadores.

And on the same day and year, a set of interrogatories was filed herein to Don Domingo de la Garza and others, which are as follows, that is to say

Interrogatories to Don Domingo de la Garza and others.

DISTRICT COURT OF THE UNITED STATES
District of Texas,

RAFAEL GARCIA CAVAZOS, *et al.*, Plaintiff
v.
SIMON MUSSINA, Defendant.

Interrogatories to be propounded to Don Domingo de la Garza, Don Rafael Ramires, Don Simon Garza, Don Rafael Gonzales, Don Santiago Longoria, Don Frialan Longoria, Don Hilario Viellareal, Don José Villareal, Don Tomas Guerra, Don Juan Rodriguez, Don Domingo Guerra, Don Francisco Vela, Don Faustino Balboa, Don , y Don Manuel Lopez Chapa, witnesses to be produced, sworn and examined, before the Judge and tribunal in the City of Matamoras and State of Tamaulipas, acting under the annexed Letter Rogatory from the District

Court of the United States of America for the District of Texas, on the part of the said complainant.

Interrogatory First. Do you know a tract of land known by the name of "El Potrere del Espiritu Santo," or "El Agostadero del Espiritu Santo," on the eastern side of the Rio Grande, opposite to Matamoras? If so, state to whom according to immemorial tradition and general reputation it was originally granted, who first took possession of it, and how long did he retain possession of it according to such tradition and general reputation?

Interrogatory Second. Do you know a place upon the said tract of land called "San Juan del Retiro?" If so, where was this place situated? What buildings, according to tradition and general reputation were placed there first, and by whom? What connection had Don José Salvador de la Garza with such plan, and what did he make of it according to tradition and general reputation?

Interrogatory Third.—Do you know the plaintiffs in this cause, to wit: Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos his wife, and Doña Estefana Goseascochea de Cortina? If so, what connection have they with the tract of land known as "El Agostadero del Espiritu Santo?"

Interrogatory Fourth.—Who, according to general reputation and immemorial tradition, have held possession of the said tract of land since the death of the said Don José Salvador de la Garza?

Interrogatory Fifth.—What are the names of the different farms or ranchos on the said tract of land, which have been held by the different owners thereof, heirs of the said Don José Salvador de la Garza, or rented by them to others, so far as you know? Where are the said farms or *ranchos* situated?

Interrogatory Sixth.—Do you know whether the persons named in the third interrogatory claim the said tract of land as their own property? If so, has or has not that claim been public and notorious, and known to all the citizens of Matamoras and the vicinity?

Interrogatory Seventh and last.—Do you know any thing else which may be a benefit or advantage to any of the parties at issue in this cause, or material to the subject of this your examination? If yea, set it forth at large in your answer.

ALLEN & HALE,
Of Counsel for Plaintiffs.

And on the same day and year the foregoing set of interrogatories, in the Spanish language, was filed herein, and is in the words and figures following, to wit:

Int. to Don Domingo de la Garza, et al.—Spanish.

EN LA CORTE DE DISTRITO DE LOS ESTADOS UNIDOS,
Distrito de Texas.

DON RAFAEL GARCIA CAVAZOS, *et al.*, Demandadores,
contra
DON SIMON MUSSINA, Demandado.

Interrogatorio de Preguntas que han de ser propositas á Don Domingo de la Garza, Don Rafael Ramires, Don Simon Garza, Don Rafael Gonzales, Don Santiago Longeria, Don Froilan Longiua, Don Hilario Villareal, Don José Villareal, Don Tomas Guerra, Don Juan Rodriguez, Don Domingo Guerra, Don Francisco Vela, Don Faustino Balboa y Don Manuel Lopez Chapa, testigos, que pueden ser producidos, jurados y examinados ante el Juez ó Tribunal en la ciudad de Matamoras y Estado de Tamaulipas, haciendo de tal bajo la Requisitoria inclusa de la Corte de Distrito de los Estados Unidos de America, para el Distrito de Texas, por parte de los dichos Demandadores?

La Primera Pregunta, ¿Conoce V- el terreno llamado "el Potrero del Espiritu Santo, ó "El Agostádero del Espiritu Santo," sabre el lado oriental del Rio Grande en frente de Metamoras? Si es asi declare á quien segun tradicion universal y reputacion general, fué el dicho terreno, primeramente adjudicado? Quien primero tenia pesecion de ello? Segun tal tradicion y reputacion general?

La segunda pregunta: ¿Conoce V. un parage en el dicho terreno, que se llama "San Juan del Retiro? Si es asi, En donde fué situado ese lugar? Que fabricas segun tradicion y reputacion general fueron alli levantados? y quien las plantó allí primero? Que conexion tenia Don José Salvador de la Garza con este lugar y que usa hacia el de ello segun la tradicion y reputacion general?

La tercera pregunta: ¿Conoce V. á los demandadores en esta causa á saber Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, su esposa y Doña Estefana Goseascochea de Cortina y los demandados siguientes Don Manuel, y Doña Feliciana. Si es asi que conexion tanian ellos con el dicho terreno llamado el Agostadero del Espiritu Santo?

La cuarta pregunta ¿ Quienes segun reputacion general y tradicion universal habian tenido posecion de dicho terreno despues de la muerte del dicho Don José Salvardor de la Garza.

La quinta pregunta: Como se llamaban los varios ranchos en el dicho terreno, que los dueños heredos del dicho Don José Salvador de la Garza habian tenido ó arrendado á otros? Segun su concimiento? En donde estan situados los dichos ranchos?

La sesta pregunta: Sabe V. si las personas nombradas en la tercera pregunta pretenden el dicho terreno ser la propiedad de ellos? Si es asi, ha sido ó no tal pretencion, publico y notorio, y conocida de todos los ciudadanos de Metamoras y vacinos.

La septima y ultima pregunta: Sabe V. algo mas que sea de pravecho ó benificio á cualquier de los demandadores ó sea de importancia en esta su examinacion? Si es asi, declara lo á la larga en su respuesta?

ALLEN Y HALE,
Abagados por parte de los Demandadores.

And on the same day and year, interrogatories were filed herein to take the depositions of Don Joaquin Aregüelles and others, which said interrogatories are as follows, that is to say:

Interrogatories to Dn. Joaquin Argüelles, et al.

DISTRICT COURT OF THE UNITED STATES,
District of Texas.

RAFAEL GARCIA CAVAZOS, et al., Plaintiffs,
vs.
SIMON MUSSINA, Defendants.

Interrogatories to be propounded to Don Joaquin Argüelles, Don Francisco Argüelles, Don Rafael Gomez, Don Carlos Maria de la Garza, Don Santos Farias and Don Andres Paneda, witnesses to be produced, sworn and examined, before the judge or tribunal of the City of Matamoras, and State of Tamaulipas, acting under the annexed Letter Rogatory from the District Court of the United States for the District of Texas, on the part of the plaintiffs.

Interrogatory First.—Do you, or not, know the plaintiffs or the defendant above-named?

Interrogatory Second.—Look at the paper writing now exhibited to you marked A., and purporting to be a copy of the testament of Doña Maria Francisca Cavazos. Did you know Don Antonio Escovedo, whose name is subscribed to such document as notary public. Is the said Antonio Escovedo living or dead; or within the said State of Tamaulipas. Are you acquainted with his handwriting and signature as notary; and if so, is or is not the certificate and signature appended to the said copy in the handwriting of the said Escovedo as notary?

Interrogatory Third.—What was the place called in the commencement of the said testament, "Esta Congregacion de Nuestra Señora del Refugio," and what is it now called. Was or was not the said Don Antonio Escovedo, at the time of signing the said certificate, acting publicly and officially as notary public, in the said place under the laws of the said State of Tamaulipas, and the United Mexican States, was he or not generally acknowledged and recognized as such notary?

Interrogatory Fourth.—Look at the paper writing here exhibited to you marked B., and purporting to be a copy of an act

of partition, between the heirs of Doña Francisca Cavazos, to wit., Doña Maria Ygnacia Cavazos and Doña Maria Josefa Cavazos, with the intervention of Don Rafael Garcia Cavazos, her husband, which is to be annexed to your depositions in the cause between the same plaintiffs and others, as defendants in Chancery. Did you know Don Bernard Pedro Pablo Palaez, whose name is subscribed to the said copy as notary public. Is the said Don Bernardo Pedro Pablo Palaez living or dead, or within the said State of Tamaulipas. Are you acquainted with his handwriting and signature as notary; and if so, is or is not the certificate and signature appended to the said copy, in the handwriting of the said Palaez as notary?

Interrogatory Fifth.—Was or was not the said Don Bernardo Pedro Pablo Palaez, at the time of signing the said certificate, acting publicly and officially as notary public in the City of Matamoras, under the laws of the said State of Tamaulipas, and the United Mexican States? Was he or not generally recognized and acknowledged as such notary?

Interrogatory Sixth.—Look at the paper writing now exhibited to you marked D, and purporting to be an order of Don Juan Prado, second Constitutional Alcalde of the City of Matamoras. Are you acquainted with the handwriting and signature of the said Don Juan Prado, and if so, is or is not the signature to the said order on the left side his signature in fact. Is or is not the signature on the right hand side the true signature of Don Bernardo Pedro Pablo Palaez, as notary public?

Interrogatory Seventh.—When did the said Don Antonio Escovedo cease to act as notary public in the City of Matamoras. Who succeeded him. Who was acting as notary public in the month of ———— in 182 ?

Interrogatory Eighth.—Have you or not ever seen the old title or testimonies of title issued to Don José Salvador de la Garza for a tract of land on the east or left side of the Rio Grande, called "El Potrero," or "El Agestadero del Espiritu Santo." If so, when did you see it. In whose hands was it?

Interrogatory Ninth.—What was the appearance of the said testimonio.—What sight of age did it bear?

Interrogatory Tenth.—Was the said testimonio ever presented to you to copy? If so, who presented it. Was or was not such a copy made by you?

Interrogatory Eleventh.—Is it the custom in Mexico or not to use all the names of any person in speaking of them or signing their names. For example, is it necessary to say or write Maria Josefa Cavazos, and not Josefa Cavazos simply. Which is the most usual in writing?

Interrogatory Thirteenth and Last.—Do you know anything else which may be a benefit or advantage to either of the parties

at issue in this cause, or material in this your examination. If so set it forth at large in your answer?

ALLEN & HALE,
Of Counsel for Plaintiffs.

And on the same day and year the same set of interrogatories in the Spanish language were filed herein and are as follows, to wit:

Interrogatories to Don Joaquin Argüelles, et al., Spanish.

En le corte de Distrito de los Estados Unidos,
Distrito de Texas.

Rafael Garcia Cavazos, et al., Demandadores,
contra
Simon Mussina, Demandado.

Interrogatorie de Preguntas que han de ser prepositas á los Señores Don Joaquin Argüelles, Don Francisco Argüelles, Don Rafael Gomez, Don Carlos Maria de la Garza, Don Santos Farias y Don Andrez Paneda testigos, que puedon ser producidos, jurados y examinados ante el Juez ó Tribunal en la cindad de Matamoras y Estado de Tamaulipas haciendo de tal bajo la Requisitoria inclusa de la Corte de Distrito de los Estados Unidos de America, para el Distrito de Texas, por la parte de los demandadores.

La primera pregunta: ¿Conoce V. ó no á los demandadores á Saber Don Rafael Garcia Cavazos Doña Maria Josefa Cavazos su esposa y Doña Estefana Goseascochea de Cortina, y al demandado Don Simon Mussina?

La Segunda Pregunta: ¿Mire el papel escrito ahora exhibido á V. y que ha de ser anexado a su deposicion en la otra causa en la Chancilleria marcado A. y proponiendo ser copia del Testamento do Doña Maria Francisca Cavazos. ¿Conocia V. á Don Antonio Escovedo cuyo nombre esta subscrita á tal copia, como Escribano Publico? Esta vivo ó muerto el dicho Don Antonio ó adentro el estado de Tamaulipas? Conoce V. su letra y firma como Escribano Publico, y si es asi, es ó no la certificacion y firma al fin de la dicha copia en su propia letra, como Escribano?

La Tercera Pregunta: ¿Cual era el lugar que se llama en principio del dicho Testamento "esta congregacion de nuestra Señora del Refugio?" y como se llama ahora? ¿Fué ó no el dicho Don Antonio Escovedo haciendo publicamente y oficialmente de Escribano Publico en el dicho lugar, bajo las lyes de dicho estado de Tamaulipas, y de los Estados Unidos Mejicanos, al tiempo de firmar dicha copia? ¿Fué ó no reconocido y respetado generamente como tal Escribano Publico?

La Cuarata Pregunta: Mire V. el papel escrito ahora exhibido á V. [y que ha de ser anexado á su deposicion en la otra causa en

la chancilleria entre los dicho demandadores y otros como demandados] marcado B. proponiendo ser copia de Escritura, de particion entre los heredos de Doña Francisca Cavazos, á Saber, Doña Maria Ignacia Cavazos y Doña Josefa Cavazos, con la intervencion de su marido Don Rafael Garcia Cavazos? Conoce V. á Don Bernardo Pedro Pablo Palaez, cuyo nombre esta subserito á tal copia, como Eseribano Publico? Es vivo ó umerto el dicho Don Bernardo Pedro Pablo Palaez ó adentro del Estado de Tamaulipas? ¿ Conoce V. la certificacion y firma al fin de la dicha copia, es su letra como Escribano?

La Quinta Pregunta; Fué ó no el dicho Don Bernardo Pedro Pablo Palaez al tiempo de formar la dicha certifiicacion haciendo publicamente y oficialmente de Escribano Publico en la ciudad de Matamoras, bajo las leyes del dicho Estado de Tamaulipas, y de los Estados Unidos Mexicanos. Fué ó no reconocido y respetado generalamente como Escribano?

La Sesta Pregunta: Mire V. el papel escrito ahora exhibido á V. [y que ha de ser anexado á su deposicion en la otra causa en la chancilleria entre los dichos demandadores y otros como demandados,] marcado D., y proponiendo ser una orden de Don Juan Prado, Alcaldo segundo Constitucional de la ciudad de Matamoras. ¿Conoce V. ó no la letra y firma de Don Juan Prado, y si es esi, es ó no la firma del dicho orden, á la izquierda su propia firma de hecho. Es ó no la firma a la derecha la propia y vera firma de Don Bernardo Pedro Pablo Palaez como Escribano Publico?

La Septima Pregunta: ¿Cuando cesó el dicho Don Antonio Escovedo de hacer de Escribano Publico, en la ciudad de Matamoras? Quien fue haciendo de Escribano Publico, en la cuidad en el mes de?

La Octava Pregunta: ¿Ha visto V. ó no el Titulo ó Testimonio de Titulo viejo Expedido á Don José Salvador de la Garza, del terreno sobre el lado oriental ó izquierdo del Rio Grande, llamado el Potrero ó agostadero del Espiritu Santo? Si es asi cuando lo vio? En que manos estaba?

La Nona Pregunta: ¿Cual era la vista ó exterioridad del dicho Testimonio? Quales indicios de antiguedad tenia ello?

La Decima Pregunta: ¿Se ha presentado algunna occasion á V. el dicho Testimonio para copiarlo. Quien la presento? Hizo V. tal copia ó no?

La Undecima Pregunta. ¿Es costumbre ó no en Mejico, usar todos las nombres de cualquier persona hablando de él ó en su firma? Por ejemplo es necesario ó no, decir ó escribir "Maria Josefa Cavazos," y no "Josefa Cavazos" simplemente? Cual es lo mas usualen la Escritura?

La Decima tercera y ultima Pregunta: Sabe V. algo mas que sea de provecho ó beneficio á cualquiera de los demandadores ó demandados en esta causa ò de importancia en esta su examinacion? Si es asi, declara lo á la larga en su respuesta?

ALLEN Y HALE, *Abogados por Demandadores.*

And afterwards, to wit, on the same day and year, a set of interrogatories was filed herein to take depositions of Don Jesus Cardenas and others, which is as follows, to wit:

Interrogatories to Don Jesus Cardenas and others.

DISTRICT COURT OF THE UNITED STATES,
District of Texas.

RAFAEL GARCIA CAVAZOS *et al.*, Plaintiffs,
vs.
SIMON MUSSINA, Plaintiffs.

Interrogatories to be propounded to his Excellency Don Jesus Cardenas, Doctor Ramon F. Valdez, Don Eleno de Vargas, Licenciado Don José Nuñez de Carceres, and Licenciado Don Antonio Canales, witnesses to be produced, sworn and examined before the Judge or Tribunal of the city of Victoria, and State of Tamaulipas, acting under the annexed Letters Rogatory from the District Court of the United States of America for the District of Texas, on the part of said plaintiffs.

Interrogatory First.—Do you know the plaintiffs, to wit, Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, his wife, and Doña Goseascochea de Cortina, and the defendant, Simon Mussina?

Interrogatory Second.—What public station do you hold in the Government of the State of Tamaulipas? Were you ever a deputy in the Congress of that State, and if so, when?

Interrogatory Third.—(To Lie, Don José Nuñez de Carceres and Don Antonio Cañales.) Are you, or not, a lawyer?

Interrogatory Fourth.—(To all.) Are you acquainted with the laws and usages prevailing in the State of Tamaulipas?

Interrogatory Fifth.—What was the form of proceeding under the Colonization Law of the State of Tamaulipas promulgated in 1825, in making concessions of land?

Interrogatory Sixth.—In what case was a direct title issued by the Governor to the applicant after the interested party had been formally put in possession of the land by the Alcald. Was such direct title usual or not after the party had been put in possession?

Interrogatory Seventh.—What was the object of making the old surveys under the Spanish Government by lines. Was it to mark out the exterior boundaries, or to fix the quantity of land contained within the grant, in order to know the amount of money to be paid by the grantee to the Government?

Interrogatory Eighth.—When the shape or figure of the land was irregular did the old surveyors run their lines along the irregular exterior, or run them straight across, and afterwards include the quantity which was computed to be within those lines and the irregular exterior boundaries?

Interrogatory Ninth and last.—Do you know anything else which may be a benefit or advantage to either of the parties in this cause or material to the subject of this, your examination? If yea, set it forth at large in your answer?

ALLEN & HALE,
of Counsel for Plaintiffs.

And afterwards, to wit, on the same day and year the foregoing set of interrogatories were filed herein in the Spanish language, and are as follows, to wit:

Interrogatories to Don Jesus Cardenas, et al., in Spanish.

EN LA CORTE DE DISTRITO DE LOS ESTADOS UNIDOS,
Distrito de Texas.

DON RAFAEL GARCIA CAVAZOS, *et al.*, Demandadores,
contra
DON SIMON MUSSINA, Demandado.

Interragatorio de Preguntas que han de ser propositas al Excelentisimo Señor Gobernador, Don Jesus Cardenas, Doctor Ramon F. Valdez, Don Eleno de Vargas, al Licenciado Don José Nunez de Carceras y al Licenciado Don Antonio Canales, testigos que pueden ser producidos jurados y examinado ante el Juez ó Tribunal en la ciudad de Victoria y Estados de Tamaulipas haciendo de tal bajo la Requisitoria inclusa de la Corte de Distrito de los Estados Unidos de America para el Distrito de Texas, por la parte de los demandadores.

La Primera Pregunta. ¿Conoce V. á los demandadores á saber, Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, su esposa, y Doña Estefana Goseascochea de Certina, y al demandado Don Simon Mussina?

La Segunda Pregunta: Que oficio publico tiene V. en el Gobierno del Estado de Tamaulipas? Ha Sido V. ó no deputado en el Congereso del Estado? Y si es asi cuando?

La Tercera Pregunta. [á los Señores Lie José Nunez de Canales, y Lie Antonio Canales,) es V. ó no abagado?

La Cuarta Pregunta: ¿Cual era la forma de proceder bajo la ley de Colinizacion del Estado de Tamaulipas, publicada en el año de 1825, en haciendo concesiones de tierras?

La Sesta Pregunta. En que caso fue expedido titulo directo por el Gobernador al aplicante despues que el interesado ha sido formalmente puesto en posecion del terreno por el Señor Alcalde? Fué usual ó no tal titulo directo despues que al interesado ha sido puesto en posecion?

La Septina Pregunta.—Cual era el objeto de hacer las medidas de tierras, bajo el gobierno Español en tiempos pasados, por lineas? Fué tal objeto para determinar sus linderos exteriores ó al contrario para fixar la cantidad de tierra contenida en la con-

cesion con el fin de saber la suma de dinero, que ha de ser pagado por el concesionario al Gobierno?

La Octava Pregunta.—Cuando la figura de la tierra era iregular, que hacian los agrimensores viejos, era costumbre con ellos medir sus lineas por la irregularidad á derecho a traversado y despues incluir la cantidad que se creo haber entre las dichas lineas, y los linderos irregulares exteriores?

La Nona y Ultima Pregunta.—Sabe V. algo mas que sea de provecho ó benificio a cualquiera de los demandadores ó demandados en esta causa, ó de importancia en esta su examinacion si es asi declara lo á la larga en su respuesta?

ALLEN y HALE,
Abogados por demandadores.

And afterwards, to wit, on the same day and year, a set of interrogatories was filed herein to Doctor Ramon F. Valdez, et al., which were in the words following, to wit:

Interrogatories to Doctor Ramon F. Valdez, et al.

District Court of the United States, District of Texas.

RAFAEL GARCIA CAVAZOS, et al., Plaintiffs,
vs.
SIMON MUSSINA, Defendant.

Interrogatories to be administered to Doctor Ramon F. Valdez and Don Rufino Rodriguez, witnesses to be produced, sworn and examined before the Judge or Tribunal acting under the annexed Letter Rogatory from the District Court of the United States of America for the District of Texas, on the part of the said complainants:

Interrogatory First.—Do you know the plaintiffs, to wit, Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, his wife, and Doña Estefana Goseascochea de Cortina, and the defendant, Simon Mussina?

Interrogatory Second.—What office do you hold under the government of the State of Tamaulipas, and how long have you so held it?

Interrogatory Third.—Look at the document to be annexed to your deposition in the cause in chancery between the same parties as plaintiffs, and others as defendants, marked N., and purporting to be a copy of the old Constitution of the State of Tamaulipas, promulgated in ——. Is the document, or not, a true and legal copy of the original in the archives of the said State.

Interrogatory Fourth.—Look at the document marked O, now exhibited to you, and to be annexed to your deposition in the cause in chancery between the same plaintiffs and others as defendants, purporting to be a copy of the New Constitution of the State of Tamaulipas, promulgated in ——. Is or is not the said

document a true and legal copy of the original among the archives of the said State?

Interrogatory Fifth.—Look at the document marked P., now exhibited to you, and to be annexed to your deposition in the cause in chancery between the same plaintiffs, and others as defendants, and purporting to be a copy of the Colonization Law of the State of Tamaulipas, promulgated in ——. Is or is not the said document a true and legal copy of the original in the archives of the said State?

Interrogatory Sixth.—Look at the printed book, marked Q., now exhibited to you, and to be annexed to your deposition in the cause in chancery between the same plaintiffs, and others as defendants, and purporting to contain certain of the laws of the State of Tamaulipas. Is or is not the said book composed of true copies of the original laws, decrees, and other documents in the archives of the said State?

Interrogatory Seventh and Last.—Do you know anything else which may be a benefit or advantage to any of the parties in this cause, or material to the subject of this, your examination? If yea, set it forth at large in your answer.

ALLEN & HALE,
Of Counsel for Plaintiff.

And on the same day and year, the foregoing interrogatories were filed herein in Spanish, and are as follows:

Interrogatories to Dn. Ramon F. Vallez, et al. Spanish.

En la Corte de Distrito de la Estados Unidos, Distrito de Texas.

Don Rafael Garcia Cavazos, et al., Demandadores,
contra
Don Simon Mussina, Demandado.

Interrogatorio de preguntas que han de ser propositas a los Señores Don Rufino Rodriguez y Doctor Ramon F. Valdez, testigos, que pueden ser producidos jurados y examinados ante el Juez ó Tribunal en la ciudad de Victoria y Estado de Tamaulipas haciendo de tal bajo la Requisitoria inclusa de la Corte de Distrito de los Estados Unidos de America, para el Distrito de Texas, por la parte de los dichos demandadores.

La Primiera Pregunta: Conoce V. á los demandadores, á saber, Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, su esposa, y Doña Estefana Goseascochia de Cortina—y el demandado Don Simon Mussina?

La Segunda Pregunta: ¿Que oficio publico tiene V. en el Goberino del Estado de Tamaulipas, y cuanto tiempo hace que lo tiene V?

La Tercera Pregunta: Mire el documento ahora exhibido á V. (y que ha de ser anexado á su disposicion en la causa en la chan-

cilleria, entre los dichos demandadores) marcado N, y proponiendo ser copia de la constitucion antigua del Estado de Tamaulipas, publicado en el año de 1825, ¿Es este documento ó no una copia fiel y legal del original en los archivos del Estado?

La Cuarta Pregunta: Mire V. el documento marcado O, ahora exhibido a V. [y que ha de ser anexado á su deposicion en la causa, en la Chancilleria, entre los dichos demandadores y otros como demandados,] y proponiendo ser copia de la constitucion nueva del dicho Estado de Tamaulipas, publicada en al año de 1825. ¿Es el dicho documento ó no, una copia fiel y legal del original en los archivos del dicho Estado?

La Quinta Pregunta: Mire V. el documento marcado P, ahora exhibido á V., (y que ha de ser anexado á su deposicion en la causa en la chancilleria, entre los dichos demandadores y otros como demandados,) y proponiendo ser copia de la ley de colonizacion del Estado de Tamaulipas, publicado en el año de 1826. ¿Es este documento ó no una copia fiel y legal del original en los archivos del dicho Estado?

La Sesta Pregunta: Mire V. el libro imprimido, marcado Q, ahora exhibido á V. (y que ha de ser anexado á su deposicion en la causa en la chancilleria, entre los dichos demandadores y otros como demandos,) proponiendo comprehender varias leyes del dicho Estado ¿Se compone el dicho libro ó no de copias veras y legales de las leyes, decretos, y otros documentos originales en los archivos del dicho Estado?

La Septima y Ultima Pregunta: Sabe V. algo mas que sea de provecho ó beneficio á cualquiere de los demandadores ó demandados en esta causa, á sea do importancia en esta su examinacion. ¿Si es asi, declara lo a la larga en su resquesta.

ALLEN Y HALE,
Avogados pro Demandadores.

And on the same day and year a set of Interrogories was filed herein to take the deposition of Don Juan Nepomuceno Molano which are as follows, to wit:

Interrogatories to Don J. Nepo. Molano.

DISTRICT COURT OF THE UNITED STATES. }
District of Texas. }

RAFAEL GARCIA CAVAZOS, *et al. Plaintiffs*,
vs.
SIMON MUSSINA, *Defendant.*

Interrogatories to be propounded to Don Juan Nepomuceno Molano, a witness to be produced, sworn, and examined, before the Judge or Tribunal of the City of Victoria, and State of Tamaulipas, acting under the annexed Letter Rogatory from the

District Court of the United States of America, for the District of Texas, on the part of the said complainants.

Interrogatory First.—Are you acquainted with the plaintiffs, to wit: Don Rafael Garcia Cavazos. Doña Maria Josefa Cavazos, his wife, and Doña Estefana Goseascochea de Cortina, and with the defendant?

Interrogatory Second.—Were you ever a Notary Public in the City of Matamoras, and if so, when?

Interrogatory Third.—Were you, or not, ever first constitutional Alcalde of the City of Matamoras, and if so, when, and in what years?

Interrogatory Fourth.—Look at the document marked L, now presented to you, purporting to be a copy of a title issued to Don José Salvador de la Garza, and annexed to your deposition in the cause in chancery, between the same plaintiffs, and others, as defendants. Is, or is not, the signature on the thirtieth leaf, purporting to be your signature, yours in fact? Are, or are not, the signatures of the assisting witnesses, to wit, Francisco Mayorga, and Marcos Galindo, genuine and true?

Interrogatory Fifth.—Is, or is not, the said document an accurate copy of the title or testimonio of title, of which it professes to be a copy?

Interrogatory Sixth.—By whom was the original title or testimonio of title, of which the said document is a copy, presented to you for copying? Was this person, or not, in any wise connected with the family or descendants of Don José Salvador de la Garza?

Interrogatory Seventh.—What was the appearance of the said title or testimonio of title at the time when it was presented to you? Did it, or not, bear marks of age? And if so, what marks?

Interrogatory Eighth, and Last.—Do you know anything else which may be a benefit or advantage to either of the parties at issue in this cause, or material to the subject of this your examination? If yea, set it forth at large in your answer.

ALLEN & HALE,
Of Counsel for Plaintiffs.

And on the same day and year the foregoing set of interrogatories was filed herein in Spanish, in the words and figures following, that is to say:

Interrogatories to Dr. J. Nepo Molano.—Spanish.

EN LA CORTE DE DISTRITO DE LOS ESTADOS UNIDOS,
Distrito de Texas.

DON RAFAEL GARCIA CAVAZOS, et al., Demandadores,
v
DON SIMON MUSSINA, Demandado.

Interrogatorio de preguntas que han de ser propositas á Don Juan Neponuceno Molano un testigo que puede ser producido jurado y examinado ante el juez ó tribunal en la Ciudad de Victoria en el Estado de Tamaulipas haciendo de tal bajo la Requisitoria inclusa de la Corte de Distrito de los Estados Unidos de America, para el Distrito de Texas, por la parte, de los demandadores.

La Primera Pregunta. Conoce V. a los demandadores á saber Don Rafael Garcia Cavazos Doña Maria Josefa Cavazos su esposa y Doña Estefana Goseascochea de Cortina y al demandado?

La Segunda Pregunta. Era V. un Escribano Publico en la Ciudad de Matamoras y si asi, cuando lo era?

La Tercera Pregunta. Era V. ó no, Alcalde primero constitucional de la Ciudad de Matamoras y si es asi, cuando, y en cuales años?

La Cuarta Pregunta. Mire al documento marcado L, ahora presentado á V, proponiendo ser copia del titulo expedido á Don José Salvador de la Garza, y anexado á su deposition en la causa en la chancilleria entre los dichos demandadores y otros como demandados. Es ó no la firma sobre la foja trigesima, proponiendo ser la suya, su firma de hecho. Son ó no las firmas de los testigos de asistencia á saber, Francisco Mayuga y Marcos Galindo las veras y propias firmas de ellos?

La Qunta Pregunta. Es ó uo el dicho documento una copia fiel del Titulo ó Testimonio de Titulo del cual propone ser copia?

La Sesta Pregunta. Por quien se ha presentado el Titulo ó Testimonio de Titulo original del cual es copia, el dicho documento, para copiarlo. Tenia la tal pesona ó no alguna conexion con la familia ó decendientas de Don José Salvador de la Garza?

La Septima Pregunta. Cual era la vista ó exterioridad del dicho Titulo ó Testimonio de Titulo al tiempo que fué presentado á V? Tenia ó no indicios de antigüedad? y si es asi, cuales indicios tenia?

La Octava Pregunta y Ultima. Sabe V. algo mas que sea de provecho ó beneficio á cualquera de los demandadores ó demandados en esta causa ó sea de importancia en esta su examinacion. Si es asi declara lo á la larga en su respuesta?

ALLEN Y HALE,
Abogados *por* los demandadores.

And afterwards, to wit., on the same day and year a set of interrogatories to take the depositions of Don Francisco Cantu and others, was filed herein, and are as follows, to wit.:

Interrogatories to Don Francisco Cantu and others.

DISTRICT COURT OF THE UNITED STATES,
District of Texas.

RAFAEL GARCIA CAVAZOS, et al., Plaintiffs,
v.
SIMON MUSSINA, Defendant.

Interrogatories to be propounded to Don Francisco Cantu, Don Jesus de Abrigo, Don Alvino Lopez, Don Frederico O. Bayle, Don Juan Fernandez, Don Francisco Fernandoz, Don Calixto Portilla, Don Juan Portilla, Don Miguel Ebassarette, Don Antonio Fernandez, Don Roque Trevino, Don Rafael Gonzales, Don Espiridion Villareal, Don Manuel Lopez and Don Miguel Lopez, witnesses to be produced, sworn and examined, before the judge or tribunal in the City of Matamoras and State of Tamaulipas, acting under the annexed letter rogatory from the District Court of the United States of America, for the District of Texas, on the part of the said plaintiffs.

Interrogatory First.—Do you know the plaintiffs, to wit., Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, his wife, and Doña Estefana Gozeascochea de Cortina, and the defendant, Simon Mussina?

Interrogatory Second.—Do you know a tract of land on the east or left side of the Rio Grande, called "El Potrero del Espiritu Santo," or "El Agostadera del Espiritu Santo." If so, to whom, according to immemorial tradition and general reputation, was it originally granted. Who first took possession of it according to such tradition and general reputation?

Interrogatory Third.—Do you know a place upon the said tract of land called San Juan del Retiro. If so, where was this place situated. What buildings, according to tradition and general reputation, were placed there first and by whom. What connection had Don José Salvador de la Garza, if any, with said place, and what use did he make of it, according to such tradition and general reputation?

Interrogatory Fourth.—Who according to immemorial tradition and general reputation, have held possession of the said tract of land, since the death of the said Don José Salvador de la Garza?

Interrogatory Fifth.—Who, of the following persons, to wit, Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, his wife, and Doña Estefana Goseascochea de Cortina, have now possession of the said tract of land and use it as their own? Have they or not erected houses, *hacales, corrales,* fences, etc., on the said land?

Interrogatory Sixth.—Where does the said Doña Estefana now

live? How long has she lived there? Who lived there before her?

Interrogatory Seventh.—What are the names of the several farms or *ranchos* on the said tract of land, which have been held, or rented to others by the owners thereof, heirs of the said Don José Salvador de la Garza. Where are such ranchos situated?

Interrogatory Eighth.—[To Don Espiridion Villareal, Don Manuel Lopez and Don Miguel Lopez.] To whom did Don Enrique Villareal and Don Andres Ramires pay rent for a portion of the said tract of land? Where was such portion situated? Where did they so pay rent?

Interrogatory Ninth.—(To the same.) Where is the place or Rancho called "Paso Viejo" situated? Is it, or not on the said tract of land? Who had possession of it in 1836? To whom did he pay rent for it?

Interrogatory Tenth.—(To all) Do you know whether the persons named in the fifth interrogatory claim the said tract of land as their own property or not? If so, has or has not said claim been public and notorious, and known to all the citizens of Matamoras, and the vicinity?

Interrogatory Eleventh.—Look at this paper writing now exhibited to you and which is to be annexed to your deposition in the other cause in chancery marked V. and purporting to be a letter from Don Enrique Villareal to Don Rafael Garcia Cavazos? Do you or not know the handwriting and signature of the said Don Enrique Villareal? If so, is or is not this letter in his handwriting, and is or is not the signature at the end of the said letter, his true and proper signature?

Interrogatory Twelfth.—Is the said Don Enrique Villareal alive or not? When did he die?

Interrogatory Thirteenth.—In whose possession has the old Testimonio of Title issued to Don José Salvador de la Garza remained since 1825? In whose possession was it before? Has, or has not the existence of said old Testimonio of Title been public and notorious to the citizens of Matamoras and the vicinity?

Interrogatory Fourteenth, and Last.—Do you know anything else which may be a benefit or advantage to either of the parties at issue in this cause, or which may be material to the subject of this your examination? If yea, set it forth at large in your answer.

ALLEN & HALE,
of Counsel for Plaintiffs.

And on the same day and year, the foregoing set of interrogatories—in the Spanish language—was filed herein in the words and figures following, to wit:

Interrogatories to Dn. Francisco Cautu, et al.—Spanish.

EN LA CORTE DE DISTRITO DE LOS ESTADOS UNIDOS,
Distrito de Texas.

DON RAFAEL GARCIA CAVAZOS, *et al.*, Demandadores,
Contra
DON SIMON MUSSINA, Demandado.

Interrogatorio de preguntas que han de ser propositas á Don Francisco Cautu, Don Jesus de Abrigo, Don Alvino Lopez, Don Frederico O'Boyle, Don Juan Fernandez, Don Francisco Hernandez, Don Calixto Portillo, Don Juan Portillo, Don Miquel Eclasserrette, Don Antonio Fernandez, Don Roque Trevino, Don Rafael Gonzales, Don Espiridion Villareal, Don Manuel Lopez, Don Miguel Lopez, testigos, que puden ser producidos, jurados y examinados ante el Juez ó Tribunal en la ciudad de Matamoras y Estado de Tamaulipas haciendo de tal bajo la Requisitoria inclusa de la corte de Distrito de los Estados Unidos de America para el Distrito de Texas—por la parte de los demandadores.

La primera pregunta ¿ Conoce V. á los Demandadores, á safer. Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos su esposa y Doña Estefana Goseascochea de Cortina y al demandado Don Simon Mussina.

La segunda Pregunta: ¿Conoce V. el terreno sobre el lado oriental ó izquierdo del Rio Grande llamado "El Potrero del Espiritu Santo," ó agostadero del Espiritu Santo" ¿Si es asi a quien, segun tradicion immemorial y reputacion general, fué primeramente adjudicado? Quien primero tomo pesecion de el segun tal tradicion y reputacion general?

La tercera pregunta: Conoce V. un parage llamado "San Juan del Retiro?" en el dicho terreno? Si es asi, en donde fué situado este parage? Que fabricas segun tradicion y reputacion general fueron llevantados alli? Y por quien primero? Que conexion tenia Don José Salvador de la Garza con este parage? y que uso hacia el de ello? Segun tal tradicion y reputacion general?

La Cuarto Pregunta: ¿Quienes, segun tradicion, y reputacion general, habian tenido posecion del dicho terreno, despues de la la muerte del dicho Don José Salvador de la Garza?

La Quinta Pregunta: Quienes de las persones siguientes, á Saber, Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, su esposa, y Doña Estefana Goseascochea de Cortina, tienen ahora posecion del dicho terreno, y gozan de ello como de su propiedad? Habian ellos ó no levantado casas, hacales, corrales, cercas etc en el dicho terreno?

La Sesta Pregunta: En cual parage vive ahora la Señora Doña Estefana Goseascochea de Cortina? Cuanto tiempo hay, que vive alli ella? Quien vivia alli, antes que alla?

La Septima Pregunta: Como so llaman los diversos ranchos en el dicho terreno, que los dueños, heredos, del dicho Don Jose

Salvador de la Garza, habian teindo ó arrendado, á otros? En donde son situados los dichos ranchos?

La Octava Pregunta: [á los Señores Don Espiridion Villareal, Don Manuel Lopez, y Don Miguel Lopez,] á quien pagaron rentas Don Enrique Villareal, y Don Andres Ramires por una parte del dicho terreno? En donde fué situada esta parte? Cuando pagaron las rentas?

La Nona Pregunta (á los mismos) En donde está situado el parage ó rancho, que se llama "Paso Viejo?" Es este parage ò no el dicho terreno? Quien tenia posecion de este parage en el año de 1836? A quien pago las rentas?

La Decima Pregunta (à todos) Saben Vds si las personas nombradas en la quinta pregunta pretenden el dicho terreno ser el suyo ó no? Si es asi ha sido ó no tal pretencion, publico, ó notoria y conocida de tados los ciudadanos de Matamoras y vecinos?

La Undecima Pregunta: Mire V. este papel escrito, ahora exhibido á V. que ha de ser anexado á su deposicion en la otro causa en la chancilleria marcado V. y proponiendo ser una carta de Don Enrique Villareal ó de Don Rafael Garcia Cavazos? Conoce V. ó no la letra y firma del dicho Don Enrique Villareal? Si es asi, es ó no esta carta en su letra? y es ó no la firma al fin de la dicho carta la propia y vera firma de él?

La Duodecima Pregunta: Es el dicho Don Enrique vivo ó muerto? ? Cuando murio?

La Decima Tercera Pregunta? ¿En cuya posecion ha sido el testimonio de titulo viejo, expedido á Don José Salvador de la Garza, despues del año de 1828? Ha sido ó no publico y notorio á todos los cuidadanos de Matamoras y vecinos la existencia del dicho testimonio viejo.

La Decima Cuarta y ultima Pregunta: Sabe V. algo mas que sea de provecho ó benificio á cualquiera da los demandadores ó demandados en esta cause ó sea de importancia en esta su examinacion? Si es asi, declara lo a la larga en su respuesta.

ALLEN Y HALE,
Abogados pro los demandadores.

And on the same day and year a set of interrogatories was filed herein to take the deposition of Don J. Antonio Leal de Leon and others, which are as follows, to wit:

To D^n^ J. Antonio Leal de Leon et al.

DISTRICT COURT OF THE UNITED STATES,
District of Texas.

RAFAEL GARCIA CAVAVOS *et al.*, plaintiffs,
vs.
SIMON MUSSINA, defendant.

Interrogatories to be propounded to Don J. Antonio Leal de

Leon, Don Manuel de la Viña, Don Rafael Pariente Don Antonio Dominguez, Don George Cabazos, Don Felix de Leon, Don Blas Maria Cabazos, Don Santiago Dominguez, Don Cristoval Morales, Don Trinidad Aldrete, Don Juan Manuel Ramires, Don Miguel Aldrete and Don Maximiliano Vallaverde, witnesses to be produced, sworn, and examined before the judge or tribunal of the town of Camargo and State of Tamaulipas, acting under the accompanying Letter Rugatory from the District Court of the United States of America for the District of Texas on the part of the said plaintiffs.

Interrogatory First.—Do you know the plaintiffs, to wit, Don Rafael Garcia Cavazos, Doña Maria Josepha Cavazos his wife, and Doña Estefana Giseascochea de Cortina and the defendant Simon Mussina.

Interrogatory Second.—Do you know a tract of land on the east side of the Rio Grande called "El Potrero del Espiritu Santo," or "El Agostadero del Espiritu Santo?" If so, to whom, according to immemorial tradition and general reputation was it granted? Who first took possession of it, and when?

Interrogatory Third.—Who have had possession of the said tract of land since the death of Don José Salvador de la Garza as owners thereof?

Interrogatory Fourth.—Look at the paper writing, marked E., now exhibited to you and to be annexed to your deposition in the cause in chancery, between the same plaintiffs and others as defendants, purporting to be a copy of the testament of Don Blas Maria de la Garza? Is, or is not, the signature, at the end thereof, purporting to be yours, in fact yours?

Interrogatory Fifth.—Are you, or not, acquainted with the handwriting and signatures of J. Antonio, Seal de Leon, Manuel de la Viña and Rafael Pariente? If so, are, or are not, the signatures to the said paper wrtting, their true signatures? And is, or is not, the said paper writing a true and legal copy of the original testament?

Interrogatory Sixth.—Look at the paper writing, marked F., now exhibited to you and to be annexed to your deposition in the the chancery, between the said plaintiffs and others as defendants, purporting to be a copy of the testament of Doña Maria Gertrudis de la Garza Falcon? Is, or is not, the signature at the end thereof, purporting to be yours, in fact yours?

Interrogatory Seventh.—Are you or not acquainted with the handwriting and signatures of Santiago Domingues, Cristoval Morales, and Trinidad Aldrete? If so, are, or are not, the signatures to the said paper writing, their true signatures? And is, or is not, the said paper writing a true and legal copy of the original testament.

Interrogatory Eighth and Last.—Do you know any thing more which may be a benefit or advantage to either of the parties in

this cause, or which may be material to the subject of this your examination. If yea, set it forth at large in your answer.

ALLEN & HALE,
Of Counsel for Plaintiffs.

And on the same day and year, the same set of interrogatories were filed herein in Spanish, in the words and figures following, to wit:

Interrogatories to D^n. Ant. Seal de Leon et al.—Spanish.

En la Corte de Distrito de los Estados Unidos, *Distrito de Texas.*

Don Rafael Garcia Cavazos *et al.*, Demandadores, *Contra.* Don Simon Mussina, Demandado.

Interrogatoria de preguntas que han de ser propositas á los Señores D. J. Antonio Leal de Leon, D. Manuel de la Viña, D. Rafael Pariente, Don Antonio Dominguez, D. George Cabazos, Don Felix de Leon, Don Blas Maria Cabazos, Don Santiago Dominguez, Don Cristoval Morales, Don Trinidad Aldrete, Don Juan Manuel Ramires, Don Miguel Aldrete y Don Maxililian Villaverde testigos que pueden ser producidos jurados y examinados ante el Juez ó tribunal en la villa de Camargo y Estado de Tamaulipas, haciendo de tal bajo la requisitoria inclusa de la corte de distrito de las Estados Unidos de America para el distrito de Texas, por la parte de los dichos demandadores?

La Primera Pregunta. ¿Conoce V. á los demandadores á saber, Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, su esposa, y Doña Estefana Goseascochea de Cortina y al demandado, Don Simon Mussina?

La Segunda Pregunta: ¿Conoce V. el terreno sobre el lado oriental del Rio Grande en frente de Matamoras llamado "El Potrero del Espiritu Santo," ó "El Agostadero del Espiritu Santo?" ¿Si es asi á quien segun tradicion immemorial y reputacion general fué primeramente adjudicado? ¿Quien primero tomó posecion de ello y cuando?

La Tercera Pregunta. ¿Quienes habian tenido posecion del dicho terreno como dueños despues de la muerte del dicho Don Jose Salvador de la Garza?

La Cuarta Pregunta: Mire al papel escrito marcado E., ahora exhibido á V. (y qne ha de ser anexado á su deposicion en la causa en la chancilleria entre los dichos demandadores y otros como demandados), proponiendo ser copia del testamento de Don Blas Maria de la Garza? Es ó no la firma al fin de lo mismo proponiendo ser la suya su propia firma de hecho?

La Quinta Pregunta. ?Conoce V. ó no la letra y firmas de los Señores J. Antonio Leal de Leon, Manuel de la Viña y Rafael Pariente? ¿Si es asi son ó no las firmas al fin del dicho papel

escrita las veras y propias firmas de ellos? Y es ó no el dicho papel escrito una copia fiel y legal del testamento original?

La Sesta Pregunta: ¿Mire V. el papel escrito marcado F., ahora exhibido á V. (y que ha de ser anexado en la causa en la chancilleria entre los dichos demandadores y otras como demandados) proponiendo ser copia del testamento de Doña Maria Gertrudis de la Garza Falcon? ¿Es ó no la firma al fin del mismo, proponiendo ser la suya su propia firma, de hecho?

La Septima Pregunta: ¿Conoce V. ó no la letra y firmas de los Señores Santiago Dominguez Cristoval Morales y Trinidad Aldreté? ¿Si es asi ó no las firmas al fin del dicho papel escrito las veras y propias firmas de ellos y es ó no el dicho papel escrito una copia fiel y legal del testamento original?

La Octava y Ultima Pregunta: Sabe V. algo mas que sea de provecho ó benificio a cualqniera de los demandadores ó demandados ó sea de importancia en esta su examinacion? ¿Si es asi, declara lo á la larga en su respuesta?

ALLEN Y HALE,
Abogados por los demandadores.

And on the same day and year a set of interrogatories was filed herein, to take the depositions of Don Savos Cavazos and another, and are as follows, to wit:

Interrogatories to D. Savos Cavazos, et al.

DISTRICT COURT OF THE UNITED STATES,
District of Texas.

RAFAEL GARCIA CAVAZOS, *et al.*, plaintiffs,
vs.
SAMUEL MUSSINA, defendant.

Interrogatories to be propounded to Don Savos Cavazos and Don Miguel Cavazos, witnesses to be produced, sworn and examined before the judge or tribunal of the city of Matamoras and State of Tamaulipas, acting under the annexed letter rogatory from the District Court of the United States of America for the District of Texas, on the part of the plaintiffs.

Interrogatory First.—Do you know the plaintiffs, to wit, Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, his wife, and Doña Estefana Goseascochea de Cortina and the defendant, Simon Mussina?

Interrogatory Second.—Have you, or not, at any time seen the old title or testimonie of title issued to Don José Salvador de la Garcia, under which the plaintiffs claim to have a right of possession to a certain tract of land on the left or east bank of the Rio Grande, called "El Potrero del Espiritu Santo?" When did you see it? In whose hands was it?

Interrogatory Third.—Who has had possession of the said

testimonie of title before 1849? How long had he or she had possession of it? Who had possession of it before? How long has it been in existence?

Interrogatory Fourth.—To whom was the said testimonie delivered in the beginning of 1849? On the end of the year 1848? What connection had this person with the family of Don Rafael Garcia Cavazos?

Interrogatory Fifth.—Where does Doña Estefana Goseascochea de Cortina reside? Is, or is not, this place on the tract of land known as "El Potrero or Agostadero del Espiritu Santo?" How long has she resided there? Who resided there before her?

Interrogatory Sixth and Last.—Do you know anything else which may be a benefit or advantage to either of the parties in this cause, or material to the subject of this, your examination? If yea, set it forth at large in your answer.

ALLEN & HALE,
of Counsel for Plaintiffs.

And on the same day and year, the same set of interrogatories was filed herein in the Spanish language, and are in the words following, to wit:

Interrogatories to Don Savas Cavazos, et al.—Spanish.

En la Corte de Distrito de los Estados Unidos, Distrito de Texas.

DON RAFAEL GARCIA CAVAZOS, et al., Demandadores,
contra
DON SIMON MUSSINA, Demandado.

Interrogatorio de preguntas que han de ser propositas á los Señores Don Sobas Cabazos y Don Miguel Cabazos, testigos, que pueden ser producidos jurados y examinados ante el Juez ó Tribunal en la ciudad de Matamoras y Estado de Tamaulipas, haciendo de tal, bajo la Requisitoria inclusa, de la Corte de Distrito de los Estados Unidos de America para el Distrito de Texas, por la parte de los demandadores.

La Primera Pregunta.—Conoce V. á los demandadores, á saber, Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, su esposa, y Doña Estefana Goseascochea de Cortina, y al demandado, Don Simon Mussina?

La Segunda Pregunta.—Ha visto V. ó no, en alguna ocasion el Titulo ó Testimonio de Titulo viejo, expedido á Don José Salvador de la Garza, en virtud del cual los demandadores pretenden tener derecho de posecion del terreno sobre el lado oriental ó izquierdo del Rio Grande llamado El Potrero del Espiritu Santo. En que manos estaba ello?

La Tercera Pregunta.—Quien ha tenido posecion del dicho Testimonio de Titulo antes de 1849? Cuanto tiempo hacia, que tenia él ó ella posecion de ello? Quien lo tenia antes que él ó ella. Cuanto tiempo hace, que existe ello?

La Cuarta Pregunta.—A quien se entregó el dicho Testimonio en el principio del año de 1849, ó al fin de 1848. Que conexion tenia tal persona en la familia de Don Rafael Garcia Cavazos?

La Quinta Pregunta.—Es ó no el paraje donde vive ahora Doña Estefana Goseascochea de Cortina? Es este paraje ó no en el dicho terreno, llamado "El Potrero ó Agostadero del Espiritu Santo?" Cuanto tiempo hace, que vive alli? Quien vivia alli antes que ella?

La Sesta Pregunta y Ultima.—Sabe V. algo mas que sea de provecho ó benificio á cualquiera de los demandadores ó demandados en esta causa, ó sea de importancia en esta su examinacion? Si es asi, declara lo á la larga, en su respueste.

ALLEN y HALE,
Abogados *pro* demandadores.

And on the same day and year, interrogatories were filed herein to Presbetero Don José Maria Rodriguez, which are in the words following, that is to say:

Interrogatories to Presb. Don José Ma. Rodriguez.

District Court of the United States,
District of Texas.

RAFAEL GARCIA CAVAZOS, et al., Plaintiffs,
vs.
SIMON MUSSINA, Defendant.

Interrogatories to be propounded to Presbetero Don José Maria Rodriguez, a witness to be produced, sworn and examined before the Judge or Tribunal acting under the annexed Letter Rogatory from the District Court of the United States of America for the District of Texas, on the part of the said plaintiffs.

Interrogatory First.—Do you know the plaintiffs, to wit, Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, his wife, and Doña Estefana Goseascochea de Cortina, and the defendant, Simon Mussina?

Interrogatory Second.—Look at the paper writing now exhibited to you, marked S., and to be annexed to your deposition in the cause in chancery between the same plaintiffs and others as defendants, purporting to be a copy of an entry in the registers of marriages in the Parish Church of the town of Reynosa, relative to the marriage of Don Blas Maria de la Garza? Are you acquainted with the handwriting and signature of Presbetero Don Antonio de la Garza Rodriguez, curate of that town? If so, is or is not the signature, at the end of such paper writing, his true signature?

Interrogatory Third.—Look at the paper writing marked T., now exhibited to you, and to be annexed to your deposition in the cause in chancery between the same plaintiffs and others as defendants, purporting to be a copy of an entry in the registers of marriages in the Parish Church of the town of Camargo, relative to the marriage of Doña Xaviera or Javiera de la Garza? Are

you acquainted with the handwriting and signature of Presbetero Don José Francisco Recio, curate of said town? If so, is or is not the signature to the said paper writing his true signature?

Interrogatory Fourth.—Are you, or not, the curate of the city of Matamoras and its jurisdiction? If not, who is the curate? If you are, are there, or not, under your charge, the registers of the marriages and deaths which have taken place in the said city since the year 1800? If so, when does it appear, from the said registers, that Don Blas Maria de la Garza died? Annex to your answer to this question, in the other cause in chancery, a true copy of any entry in the said registers relative to the death of the said Don Blas?

Interrogatory Fifth. When does it appear from the said Registers that Doña Francisca Xaviera de la Garza died. Annex to your answer to this question in the other cause in chancery, a true copy of any entry in the said Registers relative to the death of the said Doña Francisca Xaviera?

Interrogatory Sixth. When does it appear from the said Registers that Doña Francisco Cavazos died. Annex to your answer to this question, in the other cause in Chancery, a true copy of any entry in the said Registers relative to the death of the said Doña Francisca Cavazos?

Interrogatory Seventh. When does it appear from the said Registers that Doña Francisca Covazos was married, and to whom. Annex to your answer to this question in the cause in Chancery, a true copy of any entry in the said Registers relating to the marriage of this lady?

Interrogatory Eighth and Last. Do you know anything else which might be a benefit or advantage to any of the parties in this cause, or material to the subject of this, your examination. If yea, set it forth at large in your answer?

ALLEN & HALE,
Of Counsel for Plaintiffs.

And on the same day and year, the same set of interrogatories as the foregoing, was filed herein in the Spanish language, and are as follows, to wit:

Interrogatories to Pres't José Ma. Rodriguez, Spanish.

En la Corte de Distrito de los Estados Unidos,
Distrito de Texas.

Don Rafael Garcia Cavazos, *et al.*, Demandadores,
contra
Don Simon Mussina, Demandado.

Interrogatorio de preguntas que han de ser propositas al Presbetero Don Jose Maria Rodriguez, un testigo que puede ser producido Jurado y examinado ante el Juez ó Tribunal de la ciudad de Matamoras y Estado de Tamaulipas, haciendo de tal,

bajo la Requisitora de la Corte de Distrito de los Estados Unidos de America para el Distrito de Texas por la parte de los demandadores?

La Primera Pregunta. ¿Conoce V. ó no á los demandadores Don Rafael Garcia Cavozos, Doña Maria Cavazos, su espoza, y Doña Estefana Goseascochea de Cortina, y al demandado Don Simon Mussina?

La segunda pregunta. Mire V. este papel escrito marcado S. ahora exhibido á V. (y que ha de ser enexado en su deposicion en la otra causa en la Chancilleria) proponiendo ser copia de partida de los registros Eclesiasticos de casamientos en la parroquia de la Villa de Reynosa, tocante el Casamiento de Don Blas Maria de la Garza ¿Conoce V. la letra y firma del Presbetero Don Antonio de la Garza Rodriguez Cura de la dicha Villa? ¿Si es asi, es ó no la dicha firma al fin del dicho papel escrito, en su propia y vera firma?

La tercera pregunta. Mire V. el papel escrito marcado T [y que ha de ser anexado á su deposicion en la otra causa en la Chancilleria] proponiendo ser copia de partida en los Registros Eclesiasticos de casamientos en la parroquia de la Villa de Camargo tocante el casamiento de Doña Xaxiera ó Jaivera de la Garza? ¿Conoce V. le letra y firma del Presbetero Don José Francisco Recio, cura de la dicha Villa? ¿Si es asi, es ó no la firma al fin del dicho papel escrito proponiendo ser la firma del dicho señor su propia firma de echó?

La cuarta pregunta ¿Es ó no el cura de la ciudad de Matamoras y su jurisdiccion? ¿Si no lo es V. quien lo es? Si es V. el cura, Son ó no de su cargo los registros de los casamientos y muertos, que se hzieron en la dicha ciudad despues del año de 1800? Si es asi, cuando segun que contsa en los dicho registros, murió Don Blas Maria de la Garza? Anexe V. a su respuesta a esta pregunta en la otra causa en la Chancilleria una copia fiel de cualquiera partida en los dichos registros tocante la muerte del dicho señor?

La quinta pregunta ¿Cuando segun que consta en los dichos registros murió Doña Francisca Xaviera de la Garza? Anexe V. a su respuesta á esta pregunta en la otra causa en la Chancilleria, una copia fiel de cualquiera partida en los dichos registros tocante la muerte de la dicha Señora.

La sesta pregunta. Cuando segun que consta en los dichos registros murio Doña Francisca Cavazos? Anexe V. en su respuesta á esta la pregunta en la otra causa en la Chancilleria, una copia fiel de cualquiera partida en los dichos registros tocante la muerte de la dicha Señora.

La septima pregunta. ¿Cuando segun que consta en los dichos registros, se cazó Doña Maria Josefa Cavazos y con quien? Anexe V. á su respuesta a esta las preguntas en la otra causa en la Chancilleria, una copia fiel de cualquiera partida en los dichos registros tocante el documento de la dicha Señora?

La octava y ultima pregunta. Sabe V. algo mas que sea de provecho o benificio á cualquiera de los demandadoers o demandados o sea de importancia en esta su examinacion? ¿Si es asi, edclara lo a la larga en su respuesta.

ALLEN Y HALE,
Abogados per parte de los Demandadores.

And afterwards, to wit, on the fifteenth day of October, it being the same day and year, a cross-interrogatory was filed herein, which is as follows, to wit:

Cross-Interrogatory to Witnesses on Pedigree.

DISTRICT OF TEXAS *ss.*

In the District Court of the United States, in and for said District.

DON RAFAEL GARCIA CAVAZOS
v.
SIMON MUSSINA.

Reserving all legal right to object to the form and substance of the interrogatories filed, and the answers to the same, and the mode of taking the evidence in this behalf, the defendant files and propounds the following sole cross-interrogatory to the witnesses offered to prove the pedigree of the plaintiffs.

Cross-interrogatory.—Do you know all or any of the following named persons, residing at or near the city of Matamoras, to wit: Maria Angela (or de los Angelos) Garcia Lafon de Tarneva, Ramon Lafon, Feliciana de Tipernia, and Don Josef Manuel Prieto? If aye, are they or either of them related to all or any of the plaintiffs, and in what degree?

JOHNSON & SWETT.
Attorneys for Defendant.

And on the same day and year, the foregoing cross-interrogatory, in the Spanish language, was filed herein, and is as follows, to wit:

Cross-Interrogatory, in Spanish.

DISTRITO DE TEXAS.

En la Corte de Distrito de los Estados Unidos para el Dicho en ante dicho.

RAFAEL GARCIA CAVZOS, et alli,
v.
SIMON MUSSINA.

Reservandose á si mismo, todo directo legitimo de objectar á la forma y la substancia de los interrogatorios ensertados, y las respuestas a ellos y la manera de tomar la evidencia en este favor el reo demandado enserta y propone el interrogatorio al traves solo

que sigue, a los testigos afrecidos para probar la generalogia de los demandadores.

Interrogatorio al traves. ¿Conoco V. todos o cualquiera de las personas infra nombradas residentes de la villa de Matamoras y vecinos, de ellos, es a saber Maria Angela (ó de los Angelos) Garcia Lafon de Tarneva, Ramon Lafon, Feliciana de Tipernia, y Don Jose Manuel Prieto? ¿Si sea asi son ellos ó algunos de ellos parientes de tados ó algunos de los demandadores, y en cuales grados de parentesco respectivimante?

JOHNSON Y SWETT,
Abogados para el reo demandado.

And on the same day and year, a cross-interrogatory was filed herein, which is as follows, to wit.:

Cross-Interrogatory on Pedigree.

DISTRICT OF TEXAS, *ss.*

In the District Court of the United States in and for said District.

DON RAFAEL GARCIA CAVAZOS, et al.,
v.
SIMON MUSSINA.

Reserving all legal right to object to the form and substance of the interrogatories filed, and the answers to the same, and the mode of taking the evidence in their behalf, the defendant files and propounds the following sole cross-interrogatory to the witnesses offered to prove the pedigree of the plaintiffs.

Cross-Interrogrtory. Do you know all or any of the following named persons residing at, or near the City of Matamoras, to wit., Doña Maria Angela (or de los Angelos), Garcia Lafon de Tarneva, Ramon Lafon, Feliciana de Tipernia, and Don Josefa Manuel Prieto. If aye, are they or either of them, related to all or any of the plaintiffs, and in what degree.

JOHNSON & SWETT,
Attorneys for Defendant.

And on the same day and year the foregoing cross-interrogatory was filed herein in Spanish, and is in the words and figures following, to wit.:

Cross-Interrogatory in Spanish.

DISTRITO DE TEXAS.

En la Corte de Distrito de los Estados Unidos para el Distrito Antedicho.

RAFAEL GARCIA CAVAZOS, et alli,
v.
SIMON MUSSINA.

Reservandose a si mismo todo derecho legitimo de objetar á la

forma y la substancia de los interrogatorios ensertados, y las respuestas á ellos y la manera de tomar la evidencia en este favor el Reo-demandado enserta y propone el interrogatorio Al-traves, solo que sigue a los testigos ofrecidos para establecer los dichos referidos en los interrogatorios de los demandados.

Interrogatorio Al-traves Solo. Conoce V. todos ó cualesquiera de las personas infra nembrados residentes de la Villa de Matamoras ó vecinos de ella: es á saber Maria Angela (á de los Angelos,) Garcia Lafon de Tarnera, Ramon Lafon, Feliciana de Tijernia, y Don Jose Manuel Prieto, si sea asi, son ellos ó algunos de los demandadores, y en cuales grados de parentesco respectivamente?

JOHNSON Y SWETT,
Abagados para el reo demandados.

And afterwards, to wit., on the same day and year, cross-interrogatories were filed herein, which are as follows, to wit.:

Cross-Interrogatories

DISTRICT OF TEXAS, *ss.*:

In the District Court of the United States in and for said District.

DON RAFAEL GARCIA CAVAZOS, et al.,
vs.
SIMON MUSSINA.

Reserving all legal right to object to the form and substance of the interrogatories filed and the answers to the same, and the mode of taking the evidence in this behalf; the defendant files and propounds the following cross-interrogatories to the witnesses offered to prove the facts referred to in the interrogatories of the plaintiffs.

Cross-Interrogatory First. Did the law prescribe or did usage sanction any general uniform mode of proceeding in obtaining or making concessions of land under the Colonization law of 1825. State all the modes of proceeding under the said law, if more than one mode prescribed or was pursued by the acquiescence of the government. Please also to state whether the law prescribed or usage sanctioned any general uniform mode of proceeding, to obtain direct letters from the government for land, of which formal possession had been given by an Alcalde. Were such letters given; if aye, in what cases. And in what cases were they withheld. Did the government issue them readily or reluctantly. What was its usual cause?

Cross-Interrogatory Second. Did the Spanish or Mexican law specify and assign any particular object to attain which, the old surveys made, or did any usage prevail which specially recognized such object. Was or was not this object two-fold, to fix

the exterior boundaries, and to ascertain the quality of land to be paid for?

Cross-Interrogatory Third. In running the exterior lines of surveys did the old surveyors pursue any uniform system. Did the law or usage require it. If the shape of the tract was irregular, and they saw fit to run straight lines, and compute the quantity thus enclosed, did they not describe the true exterior line according to its real directions and bearings, however irregular, and if that line was a crooked river, sea coast, or other natural or fixed boundary, was not that taken and described as the boundary and true exterior line of the survey, without reference to any straight interior line, run for convenience, of making estimates of the quantity of land included therein.

JOHNSON & SWETT,
Attorneys for Defendants.

And on the same day and year the foregoing interrogatories were filed herein in Spanish, and are as follows, to wit:

Cross Interrogatories in Spanish..

DISTRICT OF TEXAS.

En la Corte del Distrito de los Estados Unidos para el Distrito ante dicho:

RAFAEL GARCIA CAVAZOS, *et alli.*,
vs.
SAMUEL MUSSINA.

Reservandose á si mismo todo derecho legitimo de objetar á la forma y la substancia de las interrogatorios insertados, y las respuestas á ellos y la manera de tomar las evidencia en este favor, el reo-demandado enserta y propone los interrogatorios al traves siguientes a los testigos, ofrecidos para establecer los hechos referidos en los interrogatorios de los demandadores.

Interrogatorio Al traves-Primero. Quede mandado por la ley ó confirmado per costumbre continuada, un metado, uniforme general de proceso para obtener ó hacer concesiones de tierras en conformidad de la ley de colonizacion de la ley de 1825? Declara todos los metodos de proceso en conformidad de dicha ley. Sé practicaban mas de uno, ó se usaban, continuadamente con aprabacion del Gobierno? declara V. tambien, si la ley mandaba ó costumbre continuada confirmaba cualquier metodo de proceso uniforme y general, para obtener conceciones de derechos legales de tierras, del Gobierno la posecion de los cuales quedaban dados en debida forma por un Alcaldes. Practicaban los Alcaldes dar tales derehos de tierra? Si sea asi; En cuales contingencias los daban y en cuales negaban? Los han dado el Gobierno pron tamente ó con repugnancia? Cual disposicion en la materia ha manifestado generalmente?

Interrogatorio-al-traves Segundo. Especificaban ó señalaban las leyes de España ó de Mejico cualquier objeto especial que de seaban obtener cuando practicaban ó causaban practicar las medidas de tierras antiguas? ¿O predominaba por costumbre alguna, algun proceso que reconocia tal objeto? Estaba ó no este objeto de dos veces tanto, para establecer los limitese exteriores como asegurar la contidad de tierras concedidas y por que el concesionario debe pagar?

Interrogatario al traves tercero. En praetienado las lineas esteriores de las medidas de tierras, pradicaban los agrimensores antiguos cualquier metodo ó sistema uniforme? Lo mandaba la ley ó la costumbre? Si la forma de las tierras medidas fue irregular, y los agrimensores prefieren medir por lineas rectas y computar la caulidad de tierras abrazadas, delineaban ó no las linean esteriores veras segun sus verdaderas corridas y situaciones aunque sean irregular, y si la linea exterior sea la margen de un rio encovado la playa ú otro limite naturál ó permanent no tomaban y delineaban tal lindero ó limité ser el lindero ó limite y linea vera esterior de la medida sin relacion alguna á cualquiera linea recto interior practicada para su comodididad de los agrimensores, para computar la cantidad de tierras inclusas.

JOHNSON Y SWETT,
Abagados para el reo Demandado Mussina.

And afterwards, to wit, on the same day and year, cross interrogatories were filed herein by the defendant, and are in the words following, to wit:

Cross-Interrogatories.

DISTRICT OF TEXAS, *ss.*

In the District Court of the United States in and for said District.

DON RAFAEL GARCIA CAVAZOS, *et al.*,
vs.
SIMON MUSSINA.

Reserving all legal right to object to the form and substance of the interrogatories filed, and the answers to the same, and the mode of taking the evidence in this behalf, the defendant files and propounds the following sole cross-interrogatory to the witnesses offered to prove the facts inquired of in the eighth and ninth interrogatories of the plaintiffs.

Cross-interrogatory. If you answer that you know the facts or any of them referred to in the said eighth and ninth interrogatories, please to state how you know Don Enrique Villariel paid out, and to whom, and precisely where the land was situated? Had he a lease? Was it written? If so, attach a copy to your deposition? When was it dated? When was it

to terminate? How long did he occupy said land? What rent was he to pay? Did the person from whom he rented act for himself or for others, or for both, and by what authority? Please also to state the exact position of the place called "Pasa Niep." Were there houses and improvements there? How do you know in whose possession it was in 1836? By what right was such possession claimed? How long had it existed? How long did it continue? How do you know rent was paid, and to whom? Was there a written lease? If aye, attach a copy to your deposition. Give its date, the length of time it was to continue, the amount of rent to be paid, and to whom. Did the person claiming the right to rent said place profess to own the land, or any part, and what part, and who were the real or alleged owners of said land at that time? Please state your knowledge of these facts with particular certainty.

JOHNSON & SWETT,
Attorneys for Defendants.

And on the same day and year the foregoing interrogatories were filed herein in the Spanish language, and are in the words following, to wit:

Cross-interrogatories in Spanish.

Distrito de Texas.

En la Corte de Distrito de los Estados Uninos para el Distrito aute dicho.

RAFAEL GARCIA CAVAZOS *et al.*,
vs.
SAMUEL MUSSINA.

Reservandose á si mismo todo derecho legitimo de objetar a la forma y la substancia de los interrogatorios ensertadas a la respuestas á ellos y la manera de tomar la evidencia en este favor el Reo demandado enserta y propone el interrogatorio al traves solo siguiente á los testigos afrecidos para establecer los hechos referidos en los interrogatarios de los demandadores.

Interrogatorio al traves solo. Le responde V que V conoce los hechos ó cualquiera de ellos referidos en los interrogatorios octavo y nono de los demandadores, declara V como sabe que Don Enriqué Villareal ha pagado les rentas, á quien las pagaba y precisamente en cual paraje son situadas las tierrars referidas, si tenia dicho Villareal una escritura de arendamiento de las tierras referidas? Si sea asi, anexa una copia a su depesicion de V. ¿Cual fecha tiene? ¿Cuando terminaria? ¿Cuanto tiempo ha ocupando él las dichas tierras? ¿Ha hecho la escritura de arrendamiente el arrendador para si mismo ó para otros ó para ambos, y cual era su auteridad de arrendar? ¿Declara V tambien la situacion precisa del paraje "*Paso Viejo*," si tenia casas y mejoramientos? ¿Como sabe V quien tenia la posecion en el año de 1836?

¿Por cual derecho tenia tal posecion, por cuante tiempo existia y por cuanto continuaba? ¿Como sabe V que las rentas estaban pagadas, y á quien? ¿Habia una escritura de arrendamiento? ¿Si sea asi, anexa una copia á su deposicion de V? ¿Cual fecha tenia? ¿Cual fué su duracion de ella? ¿Cuanto era la suma de las ventas que debe pagar, y á quien debe pagar las? ¿Pretendian ser dueños ó proprietarios de sus tierras, los que pretendian tener el derecho de arrendarlas, ó alguna parte de ellas, y cual parte dé ellas, y cual parte y quienes eran los propietarios veras ó declarados de dichas tierras durante el dicho tiempo. Declara V su conocimiento tocante de estas fechas con certésa particular.

JOHNSON Y SWETT,
Abogados par el reo-demandado.

And afterwards, to wit, on the same day and year a subpœna for a witness issued herein, which is in the words and figures following, to wit:

Supœna for Witness.

UNITED STATES DISTRICT COURT, }
District of Texes. }

The President of the United States of America to the marshal, or any of his lawful deputies of the District of Texas: Greeting:

You are hereby commanded to summon William O'Docharty, if he be found in your district, to be and appear before the Honorable, the District Court of the United States, at a Court to be holden within and for the District of Texas at the city of Galveston on the first Monday of December next, then and there to give evidence, on the part of plaintiff, in a suit now depending in said Court, wherein Rafael Garcia Cavazos, *et al.*, are plaintiffs and Simon Mussina is defendant.

Witness the Honorable John C. Watrous, judge of said Court at the city of Galveston, this 15th day of October, A. D. 1849, and seventy-fourth year of the Independence of the United States.

[L. S.] JAMES LOVE, *Clerk.*

And thereupon endorsed is the marshal's return, thereof, in the words following, to wit:

Marshal's Return.

Received 16th October, 1849, and not found in my district.

J. BATES, *U. S. Marshal.*

And afterwards, to wit, on the twenty-second day of January of the year of our Lord one thousand eight hundred and fifty, the Court here made an order in this cause, which is in the words and figures following, to wit:

Order of Court.

GARCIA CAVAZOS, *vs.* MUSSINA. } Continued as in affidavit of Plaintiff.

And afterwards, to wit, upon the twenty-fourth day of January, of the same year, came the plaintiffs and filed a paper writing herein, which is as follows, to wit:

Surety for Costs.

DISTRICT COURT OF THE UNITED STATES, *District of Texas.* } December Term, 1849.

RAFAEL GARCIA CAVAZOS, *et al.*, *vs.* SIMON MUSSINA. }

I acknowledge myself security for all the costs of the plaintiffs in this cause, including all such as may be adjudged against them by the Court.

H. B. MARTIN.

And afterwards, to wit, on the same day and year the Court here made an order in this cause, which is in the words and figures following, to wit:

Order of Court.

RAFAEL GARCIA CAVAZOS, *vs.* SIMON MUSSINA. }

The plaintiffs' attorney this day filed in open Court a paper signed by H. B. Martin, in which he acknowledged himself security for the plaintiffs for the costs of this suit, and which is ordered to be filed among the papers in the cause, and by consent the said cause is continued.

And afterwards, to wit, on the ninth day of February, of the same year, interrogatories were filed herein to Don Nicolas Garcia and others, which are as follows, to wit:

Interrogatories to Don Nicolas Garcia, et al.

DISTRICT COURT OF THE UNITED STATES, *District of Texas.* }

RAFAEL CARCIA CAVAZOS, *et al.*, *vs.* SIMON MUSSINA. }

Interrogatories to be propounded to Don Nicolas Garcia D. Manuel de la Chapa, D. José Antonio de la Garza Falcon and D. Juan Manuel Ramires, witnesses to be produced, sworn and ex-

amined before the judge or tribunal of the town of Camargo and State of Tamaulipas, acting under the annexed letter rogatory from the District Court of the United States of America for the District in the above entitled cause on the part of the plaintiffs.

Interrogatory First—[To all.]—Do you know the plaintiffs, Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, his wife, and Doña Estefana Goseascochea de Cortina, and the defendant, Simon Mussina?

Interrogatory Second—[To all.]—What is your age, and where have you resided during your life?

Third Interrogatory.—[Don Manuel de la Chapa, D. José Antonio de la Garza Falcon, and D. Nicolas Garza alone.]—Were you acquainted personally with D. José Salvador de la Garza? How long were you acquainted with him, and what opportunities did you have for knowing him?

Fourth Interrogatory.—Where did D. José Salvador de la Garza generally reside? Is his residence, or house, still standing, and where is it situated? Of what size was it originally, and of what built?

Fifth Interrogatory.—Was or was not D. José Salvador de la Garza a man of wealth? How was he respected and considered in the country? What offices, or posts in the army, or otherwise, did he hold? What was his standing and position at Camargo?

Sixth Interrogatory.—Who was the wife of Don José Salvador de la Garza? Who were their children?

Seventh Interrogatory.—Where did D. José Salvador de la Garza die, and when so nearly as you recollect? How long had he been married?

Eighth Interrogatory.—Do you know a tract of land on the left side of the Rio Grande, opposite to Matamoras, known as the Potrero, or Agostadero del Espiritu Santo? If so, how long have you known it by that name? How long is it since you first were on this tract of land?

Ninth Interrogatory.—What are its peculiar natural advantages? Why is it called Potrero? What were considered to be its natural boundaries in the time of D. José Salvador de la Garza?

Tenth Interrogatory.—Who were known as the owner of this tract of land when you first knew it? Who first discovered it and made use of it?

Eleventh Interrogatory.—Do you recollect any controversy between D. José Salvador de la Garza and D. José Narciso Cavazos respecting this tract of land? If so, what was its cause, and how was it concluded?

Twelfth Interrogatory.—At the time when you first knew this tract of land were there or not any Indians in that part of the country? Was there or not any danger in residing upon the

land? What instances, or occasions of hostilities, on the part of the Indians, do you recollect?

Thirteenth Interrogatory.—Were there any Indians domesticated and living peaceably on the said tract of land when you first knew it? Who had placed them there, and what was the place where they lived called?

Fourteenth Interrogatory.—How many cattle, horses, mules, sheep, etc., had D. José Salvador de la Garza upon this tract of land? Where were his cattle pens, hacals, and what were the names of his ranchos upon the said tract? How many peons or servants had he employed there?

Fifteenth Interrogatory.—How did he manage to keep his horses, cattle, etc., enclosed within the tract of land?

Sixteenth Interrogatory.—To whom was Don Blas Maria de la Garza married? Did he die before or after D. José Salvador de la Garza?

Seventeenth Interrogatory.—To whom was Doña Margarita de la Garza married? What children had she? Are her children still living?

Eighteenth Interrogatory.—To whom was Doña Jabiera or Xaviera de la Garza married? What children had she? Are they living or dead?

Nineteenth Interrogatory.—Who to your knowledge have had possession of the said tract of land, known as the Potrero, or Agostodero del Espiritu Santo, as owners and proprietors thereof, since the death of Don José Salvador de la Garza?

Twentieth Interrogatory.—To whom was the said tract of land first granted? Was the grant made in the time of the Spanish Monarchy, or by the State of Tamaulipas?

Twenty-first Interrogatory.—In what place, on the said tract of land, has Doña Estefana Goseascochea de Cortina lived? Did she or not live there in December, 1848?

Twenty-second Interrogatory—[To D. Juan Manuel Ramires alone.]—Do you know a certain tract of land, known as the Potrero, or Agostadero del Espiritu Santo, on the left bank of the Rio Grande? If so, how long have you known it and its owners?

Twenty-third Interrogatory.—Who have had possession of it since you knew it? Who have been generally reputed and considered as its owners?

Twenty-fourth Interrogatory.—To whom, according to general reputation and belief, was the said tract of land first granted, and where?

Twenty-fifth Interrogatory.—What are the names of the several ranchos on the said tract of land, and by whom have they been occupied? How many cattle, horses, mules, etc., belonging to D. Salvador de la Garza, have you known at any one time to be grazing or kept on the said tract, and when?

Twenty-sixth Interrogatory.—Did you know Doña Francisca Cavazos? To whom was she married? Did she, or not, after the death of her husband, reside upon the said tract of land, and *where?*

Twenty-seventh Interrogatory.—Do you recollect any disputes or controversy between the Ayuntamiento of Matamoras and Doña Francisca Cavazos, relative to the portion of the said tract of land, opposite to Matamoras? If so, what was the cause of such dispute, or controversy? Did the said Doña Francisca ever acknowledge the claim of the said Ayuntamiento to that portion of the land to be valid, or not?

Twenty eighth Interrogatory.—Look at the paper writing, now presented to you, marked E, purporting to be a copy of the Testament of Doña Maria Gertrudis de la Garza Falcon, and to be annexed to your deposition in the other cause in chancery, between the same parties as plaintiffs, and others as defendants? Is, or is not, the signature at the end thereof, purporting to be the signature of Don Santiago Dominguez, his true and genuine signature? What public office did the said Don Santiago Dominguez hold, at the time of signing the same? And is, or is not, the said paper writing a true and legal copy of the original, in the archives of Camargo?

Twenty-ninth and Last Interrogatory [To all.]—Do you know anything else which may be a benefit or advantage to any of the parties in this cause, or material in this, your examination? If yea, set it forth freely and at large in your answer.

ALLEN & HALE,
Attorneys for Plaintiffs.

And on the same day and year, the same set of interrogatories were filed herein in Spanish, and are as follows, to wit:

Interrogatories to D. Nicolas Garcia—in Spanish.

EN LE CORTE DE DISTRITO DE LOS ESTADOS UNIDOS,
Distrito de Texas.

RAFAEL GARCIA CAVAZOS, *y otros,*
Contra.
SIMON MUSSINA.

Interrogatorio de preguntas que han de ser prepositas, á Don Nicolas Garcia, Don Manuel de la Chapa, Don José Antonia de la Garza Falcon, y Don Juan Manuel Ramires, testigos que pueden ser producidos jurados y examinados ante el juez ó tribunal de la villa de Camargo y Estado de Tamaulipas, haciendo de tal bajo la carta Rogatoria expedida por la Corte de Distrito de los Estados Unidos de America, para el Distrito de Texas, por parte de los dichos demandadores?

La primera pregunta [á todos]. Conoce V. á los demandadores

Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos su esposa, y Doña Estefana Goseascochea de Cortina, y Don Simon Mussina, demandado?

La segunda pregunta [á todos]. Que edad tienen Vds. y en donde han vivido Vds. durante sus vidas?

La tercera pregunta [á Don Nicolas Garcia, Don Manuel de la Chapa, y Don José Antonio de la Garza Falcon]. Conocen Vds. personalmente á Don José Salvador de la Garza? Cuantos años lo conocio V. á él, y que oportunidad tenian Vds. pera conocerlo?

La cuarta pregunta. En donde vivia generalmente Don José Salvador de la Garza? Existe hasta ahora su casa? y en donde se halla? que demensiones y forma tiena ella, y de que se fabrico?

La quinta pregunta. ¿Era, vivo Don José Salvador de la Garza, ó no? Como era respetado, y estimado en el pais? Que empleos ó dignidad tenia, que condicion y importancia tenia él en Camargo?

La sesta pregunta. Quien fué la esposa de Don José Salvador de la Garza? Quines fueron sus hijos?

La Septima pregunta.: En donde murio Don José Salvador de la Garza, y cuando, segun la memoria de V.? cuanto tiempo habia sido casado el dicho Don José?

La octava pregunta: ¿Conoce V. el terréno sobre la orilla izquierda del Rio Grande conocido, con el nombre del Potrero ó Agostadero del Espiritu Santo? Si es asi, cuando lo conocia V. bajo ese nombre? Cuanto hace desde se halló V. en este terreno per la primera vez?

La nona pregunta. Que comodidados particulares tenia ella? Por que se llama ella "Potrero" Que eran sus linderos, en el tiempo de Don José Salvador de la Garza, segun reputacion general?

La decima pregunta. Quien estaba reputado per dueño del dicho terreno, cuando la conocio V. la primera vez?

La undecima pregunta. Tenia V. presente alguna contraversia entra Don José Salvador de la Garza, con Don José Narciso Cavazos tocante al dicho terreno? Si es asi, que era la causa de esta contraversia, y en que manera se ácabó?

La duodecima pregunta. Al tiempo que conicia V. por la primera vez el dicho terreno, se hallaban, o no, Indios al rededor en hostilidad por parte de los Estados Unidos se acuerde V.?

La decima tercera pregunta. Se hallaban, ó no, algunas Indios en paz en el dicho terreno cuando le conocia V. primeramente? Quien los habia establacido alli? y como se llama el parajo donde vivian?

La decmia cuarta pregruta. Cuautas cubezas de ganado mayor y menor vacas caballos mulas ovejas &c.: tenia D. Josè Salvador de la Garza en el dicho terreno? En que parajes estaban sus cenales hacales &c.: y como se llamaban sus ranchos adentro el dicho terreno? Cuantos peones y labradores tenia trabajando alli?

La decma quinta pregunta ¿ En quo modo tenia sus caballos &c., cerrados en el dicho terreno?

La decmia sesta pregunta: Con quien se casò D Blas Maria de la Garza? Murio antes del umerto de D. José Salvador de la Garza ò despues?

La decmia septima pregunta: ¿ Con quien se casó la Señora Doña Margarita de la Garza? Que hijos tenia ella? Viven ahora sus hijos ó no?

La decmia octava pregunta? Con quien se casó la Señora Da. Joviera ó Xaveira de la Garza? Que hijos tenia ella? Viven ahora sus hijos ó no.

La decmia Nona pregunta: Quienes segun su conocimiento de V. han tenido posecion del dicho terreno conocido por el nombre de Potrero ó agostadero del Espirintu Santo, despues del muerte de D. José Salvador de la Garza, como dueños ó proprietarios del mismo?

La vigesima pregunta: A quien mercedado prmieramente el dicho terreno? La hizo la merced en el tiempe del Rey, ó por el Estado de Tamaulipas.

La vigesima primera pregunto: En que paraje en el dicho terreno ha vivido Doña Estefana Goseascochea de Cortina? Vivia alli en el mes de Diciembre de 1848 . y antes?

La vigesima segunda pregunta: [á Don Juan Manuel Ramires] Conoce V. un terreno que se llama el Potrero o Agostadero del Espiritu Santo sobre la orilla izquierda del Rio Grande del Norte? Si es asi , desde cuando lo conoce V. y á sus dñenos.

La vigesima tercera pregunta ¿ Quienes han tenido pesecion de ello desde que lo cenocio V. Quienes segun reputacion general y creéncia han sido los dueños de ello?

La vigesima cuarta pregunta: A quien segun reputacion y crenciá general era mercedado primeramente el dicho terreno? y cuando?

La vigesima quinta pregunta: Que son los nombres de los Ranchos en el dicho terreno y por quienes han side ellos ocupados, cuantas cabazas de ganado mayor y menor caballos mulas &c.: de la propiedad de D. José Salvador de la Garza y sus herederos , segun su conocimiento de V. han sido pastoreados adentro el dicho terreno? y cuando.

La vigesima sesta pregunta; Conocia V. á Doña Francisca Cavazos? Con quien se casó ella, vivió ella ó no despues de la muerte de su sposa en el dicho terreno, y en que paráge?

La vigesima Septima Pregunta: ¿Se acuerde V. de algunas pleitos ó contraversias entre el ayuntamiento de Matamoras con Doña Francisca Cavazos tocante á la parte del dicho terreno en frente de Matamoras? ¿Si es asi, que era la causa de los dichos pleitos ó contraversias? Reconocio en cualquier tiempe la dicha Señora, ó confeso las pretenciones del dicho Ayuntamiento ser justas ó fundadas en derecho?

La vigesima octava pregunta: Mire V. este papel escrito, ahora presentada a V. marcado E proponiendo ser copia del Testamento de Doña Maria Gertrudis de la Garza Falcon, y que he de ser agregado ás su deposicion de V. en la otra causa en la Chancelleria entre los mismos demandadores y otros como demandados? ¿Es, ó no es la firma al fin del dicho documento proponiendo ser la firma de Santiago Dominguez su propia verdadera firma de él? Que oficios y empleo publico tenia dicho D. Santiago Dominguez al taiempo de firmando el dicho documento? Y es, ó no es el dicho papel-escrito una copia fiel y legalmente traslado del original en el Archivo de la villa de Camargo.

La vigesima novena y ultima pregunta (á todos). Saben Vas algo mas que sea de provecho á benificio á los demandadores ó demandados en esta causa ó sea de importancia en esta su examinacion? Si es asi declara lo á la larga en su contestacion.

ALLEN & HALE.
Abagados por Demandados.

And on the same day and year interrogatories were filed herein to Don José Antonio Zamora and others, which are in the words following, to wit:

Interrogatories to D. José Anto. Zamora, et al.

DISTRICT COURT OF THE UNITED STATES,
District of Texas.

DON RAFAEL GARCIA CAVAZOS, et al.,
vs.
SIMON MUSSINA.

Interrogatories to be propounded to Don José Antonio Zamora, Don Marcos Gomes, D. Ciprio Muregina, D. Francisco Cautu, D. Romualdo Gaerra, D. Manuel de la Viña, D. George Cavazos, D. D. Blas, Maria Cavazos, Don Guadalupe Cavazos, D. Rafael Aleman and Presbo., Don Antonio de la Garza Rodriguez, witnesses to be produced, sworn and examined before the Judge or Tribunal of the town of Reynosa, acting under the annexed Letter Rogatory, issued by the District Court of the United States of America, for the District of Texas, in the above entitled cause, on the part of the plaintiffs.

Interrogatory First, [to all].—Do you know the planitiffs, Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, his wife, and Doña Estefana Goseascochea de Cortina, and the defendant Simon Mussina?

To Don José Antonio Zamora, Don Marcos Gomes D. Ciprio Muerguia, D. Francisco Cautu and D. Romualdo Guerra alone:

Interrogatory Second.—What is your age? How long have you lived near the Rio Grande, and where?

Interrogatory Third.—Were you, or not, personally acquainted

with Don José Salvador de la Garza? How long were you acquainted with him, and what opportunities did you have for knowing him?

Interrogatory Fourth.—Was, or was not D. José Salvador de la Garza a man of wealth? How was he respected and considered in the country? When did he first establish himself on the Rio Grande, and where?

Interrogatory Fifth.—Who was the wife of the said D. José Salvador de la Garza? Who were their children? How long was he married before his death?

Interrogatory Sixth.—Do you know a tract of land on the left side of the Rio Grande, known as the Potrero, or Agostadero del Espiritu Santo? If so, how long have you known it by that name?

Interrogatory Seventh.—Where is said tract of land situated? Why is it called a Potrero?

Interrogatory Eighth.—Who first discovered and made use of this tract of land? Who was known as its owner when you first knew it?

Interrogatory Ninth.—Do you recollect any controversy between D. José Salvador de la Garza and Don José Narciso Cavazos, respecting this tract of land? If so, what was its cause, and how was it conducted?

Interrogatory Tenth.—How many head of horses, cattle, sheep, mules, etc., did D. José Salvador de la Garza, and his heirs, keep on the said tract of land? Where were the ranchos upon the said tract, and what were their names, so far as you can recollect?

Interrogatory Eleventh.—Were you personally acquainted with Don Blas Maria de la Garza? If so, of whom was he the son? Whom did he marry? Did he have any children living at his death?

Interrogatory Twelfth.—When did Don Blas Maria de la Garca die? How was he considered and respected in the country?

Interrogatory Thirteenth.—Were you personally acquainted with Doña Francisca Cavazos? If so, how long did she live after the death of Don Blas Maria de la Garza? Did she or not after his death live on the Potrere del Espiritu Santo, and if so, where?

Interrogatory Fourteenth.—Were you or not, acquainted with Doña Maria Ignacia Cavazos? If so, where did she reside before the death of Doña Francisca? What relation was she to Doña Francisco? To whom was she, Doña Ignacia married? And what children did she have?

Interrogatory Fifteenth.—State the names of the persons so fa as you know, who have had possession of the Agostadero de Espiritu Santo, as owners and proprietors thereof, up to the pr sent time?

To Don Manuel de la Viña and Don George Cavazos:

Interrogatory Sixteenth.—Look at the paper writing marked F., now presented to you and purporting to be a copy of the testament of Don Blas Maria de la Garza ? And to be annexed to your deposition in the cause in chancery between the same parties as plaintiffs, and others as defendants? Is J. Antonio Leal de Leon, whose name is signed thereto, living or dead? What office did he hold at the time of signing the said paper? Is, or is not, the signature thereto purporting to be his, his true and genuine signature?

Interrogatory Seventeenth.—[To Don Manual de la Viña alone.] Is, or is not, the signature at the end of the said copy purporting to be yours, yours in fact? If so, is, or is not, said paper writing a true and legal copy of the original?

Interrogatory Eighteenth.—Were you, or not, acquainted with Doña Francisca Cavazos and Doña Maria Ingnacia Cavazos? If so, what relationship existed between them?

Interrogatory Nineteenth.—In what tract of land on the left bank of the Rio Grande, had Doña Francisca Cavazos an interest or owner? How far is the part of this tract of land occupied by Doña Francisca, from the City of Matamoras?

Interrogatory Twentieth.—Do you recollect a controversy between Doña Francisca and the Arguntamiento of Matamoras, relative to a portion of this tract of land in front of Matamoras? If so, what was the cause of it? Did Doña Francisca ever acknowledge the justice of the claim of the Arjuntamiento?

Interrogatory Twenty-first.—Look at the paper writing marked F F, and now presented to you, and purporting to be a copy of the testament of Don Blas Maria de la Garza, and to be annexed to your deposition in the cause in chancery, between the same parties as plaintiffs, and others as defendants? Is, or is not, the signature at the end thereof, purporting to be yours, yours in fact? Is, or is not, the said paper writing a true and legal copy of the said testament? What office did Don Blas Maria Cavazos hold at the time of signing the same, and in virtue of what office did he sign it?

To Presbo. Antonio de la Garza Rodriguez:

Interrogatory Twenty-second.—Look at the paper writing now presented to you, marked XX, and purporting to be a copy of the entry of the marriage of Don Rafael Garcia Cavazos and Doña Maria Josefa Cavazos, in the register of the parish of Reynosa, (and to be annexed to your deposition in the cause in chancery between the same parties as plaintiffs, and others as defendants? Is, or is not, the signature at the end thereof, your true signature? Is, or is not, the same a true copy of the entry taken from the

Archives under your charge, as priest of the town and jurisdiction of Reynosa?

To all:

Interrogatory Twenty-third, and Last.—Do you know anything else which may be a benefit or advantage to the parties at issue in this cause, or which may be material in this, your examination? If yea, set it forth at large in your answer.

ALLEN & HALE,
of Counsel for Plaintiffs.

And, on the same day and year, the foregoing set of interrogatories were filed herein, in the Spanish language, and are as follows, to wit:

Interrogatories to D. José Ant. Zamora—In Spanish.

EN LA CORTE DE DISTRITO DO LOS ESTADOS UNIDOS, }
Distrito de Texas. }

RAFAEL GARCIA CAVAZOS, *y otros.* }
Contra }
SAMUEL MUSSINA. }

Interrogatorio de preguntas que han de ser propositas á D. José Antonio Zamora, D. Marcos Gomez, D. Ciprio Munguia, D. Francisco Cauto, D. Romualdo Guerra, D. Manuel de la Viña, D. George Cavazos, D. Guadalupe Cavazos, D. Rafael Aleman y Presbitero D. Antonio de la Garza Rodrigues testigos que pueden ser producidos jurados y examinados ante el Juez ó Tribunal de la villa de Racinora, haciendo de tal bajo la carta rogatoria expedido de la corte de Distrito de los Estados Unidos de America para el Distrito de Texas, en el pleito arriba mencionado por parte de los dichos demandadores.

La Primera Pregunta, (á todos): Conocen Vds. á los demandadores Don Rafael Garcia Cavazos Doña Maria Josefa Cavazos y Doñe Estefana Goseascochea de Cortina, y á Don Simon Mussina, demandado?

A Don José Samora. D. Marcos Gomez, D. Francisco Cautu y D. Romualdo Guerra:

La Segunda Pregunta: ¿Que edad tiene V.; desde cuando vivia V. cerca del Rio Grande, y en que lugar?

La Tercera Pregunta: ¿Conocia V. ó no á Don José Salvador de la Garza personalmente? cuanto tiempo le conocia V. y que comodidades tenia V. para conocertio?

La Cuarta Pregunta: ¿Era rico ó no D. José Salvador de la Garza? Como era respetado y estimado en el pais? Cuando fijó su residencia sobre las orillas del Rio Grande y en que lugar?

La Quinta Pregunta: ¿Quien era la esposa del dicho Don José Salvador de la Garza? Quienes eran sus hijos? Cuanto tiempo estaba casado ante su muerte?

La Sesta Pregunta: Conoce V. un terreno sobre la orilla izquierda del Rio Grande conocido por el nombre del Potrero ó Agostadero del Espiritu Santo? Si es asi ¿desde cuando lo conoce V. bajo ese nombre?

La Septima Pregunta: En donde es el dicho terreno? Porque se llama ello un "Potrero?"

La Octova Pregunta: ¿Quien primero describo el dicho terreno. y uso de ello? Quien era conocido por el dueño de ello? Cuando lo conocio V. la primera vez?

La Novena Pregunta: ¿Tiene V. presente alguna contraversia entre Don José Salvador de la Garza con Don José Narciso Cavazos tocante al dicho terreno? Si es asi ?que era la causa, y como se concluyó ella?

La Decima Pregunta: Cuantas cabezas de ganado mayor y menor, caballas, mulas, etc., tenia Don José Salvador de la Garza, y sus herederos en el dicho terreno, y como se llamaban segun su conocimiento y memoria de V?

La Undecima Pregunta: ¿Conocia V. personalmente á Don Blas Maria de la Garza? Si es asi? De quien hijo? Con quien se casó? Tenia el algunos hijos vivios al tiempo de su muerte?

La Duodecima Pregunta: En donde murió Don Blas Maria de la Garza, como fué respetado y estimado en el pais?

La Decima Tercera Pregunta: ¿Conocia V. personalmente á Doña Francisca Covazos. Si es asi? Cuanto tiempo vivio ella despues de la muerte de Don Blas Maria de la Garza? Vivia ella ó no despues de la muerte del dicho Don Blas en el dicho terreno, y si es asi, en cual paraje?

La Decima Cuarta Pregunta. Conocia V ò no á la Señora Doña Maria Ygnacia Cavazos? Si es asi en donde vivio ella autes de la muerté de la dicha Doña Francisca? Que parentosco tenia ella con Doña Francisca? Cuando se casó ella con Doña Ignacia, y que hijos tenia ella?

La Decima Quinta Pregunta. ¿Declara segun su conocimiento de V los nombres ne las personas que han tenedo posecion del Agostadero del Espiritu Santo hasta ahora?

A Don Manuel de la Viña y Don George Cavazos:

La Decima Sesta Pregunta. Miren Vds el papel eserito marcado F, ahora presentado á Vds, y proponiendo ser capia del Testamanto de D. Blas Maria de la Garza? Y que ha de ser agregado á su deposicion en la otra causa en la chancilleria entre los mismos demandadores y otros demandados. Es vivo ó muerto D. J. Antonio Leal de Leon cuya firma esta al fin del dicho papel? Que oficio publico tenia el al tiempe de firmardo el dicho papel? Es, ó no es la firma praponiendo ser la suya la propria y verdadera firma del dicho D. Antonio?

La Decima Septima Pregunta. (á D. Manuel de la Viña solo.) ¿Es ó no es la firma al fin del dicho documente, proponiendo ser

la suya su propia firma de V? Si es asi? ¿Es, ó no es el dicho documento una capia fiel y legalmente sacada del original?

La Decima Octava Pregunta. Conocia V ó no á Doña Francisca Cavazos, y á Doña Maria Ignacia Cavazos? Si es asi, que parentesco tenian ellas.

La Decima Nona Pregunta. De cual terreno sobre la orrilla izquierda del Rio Grande tenia Doña Francisca una parte como dueña? Que distancia hobra de Matamoras a la parte del dicho terreno ocupada por Doña Francisca?

La Vigesima Pregunta. ¿Tiene V presente una contraversia entre el Ayuntamiento de Matamoras con Doña Francisca tocante la parte del dicho terreno en frente de Matamoras? ¿Si es asi, que era la causa de la dicha controversia? Reconocia en cualquiera manera Doña Francisca las pretenciones del Ayuntamiente ser justas ó fundadas en derecho?

A Don Blas Maria Cavazos, Don Guadalupe Cavazos, y Don Rafael Aleman:

La Vigesima Primera Pregunta. Mire V el papel escrito marcado FF, ahora presentado á V y proponiendo ser copia del Testamento de Don Blas Maria de la Garza? y que ha de ser agregado á su deposicion en la otra causa en la chancilleria entre los mismos demandadores y otros demandados? ¿Es, ó no es la firma al fin del dicho papel, proponiendo ser la suya, su firma de hecho? ¿Es, ó no es el dicho papel escrito, una copia fiel y legalmente traslada del dicho Testamento? Que oficio publico tenia Don Blas Maria Cavazos al tiempo del firmardo este papel y en virtud de que oficio ó autoridad firmó el dicho documente.

A Presbo. Antonio de la Garza Rodriguez:

La Vigesima Segunda Pregunta. Mire V el papel escrito ahora presentado a V marcado XX., y propeniendo ser copia de la partida en les libros de la Parroquia de Reynosa del Casimento de D. Rafael Garcia Cavozos y Doña Maria Josefa Cavazos? Y que ha de ser agregado á su deposicion de V en la otra causa en la chancilleria entre los mismos demandadores y otros demandados? Es, ó no es la firma al fin del dicho partida fiel y legalmente traslada del archivo de su cargo de V, como cura de la Villa y jurisdiccion de Reynosa?

(A Todos.)

La Vigesima Tercera Pegunta. Saben Vds algo mas que sea de pravecho ó benificio á los demandadores ó al demandado en esta causa ó sea de importancia en esta su examinacion? Si es asi, declara lo á la larga en su contestacion.

ALLEN Y HALE,
Abagados pro Demandantes.

And on the same day and year a set of interrogatories were filed herein to Don Bartolo Treviño and others, which are as follows, to wit:

Interrogatories to D. Bartolo Trevino et al.

DISTRICT COURT OF THE UNITED STATES, *District of Texas.*

RAFAEL GARCIA CAVAZOS, *et al.* *vs.* SAMUEL MUSSINA.

Interrogatories to be propounded to Demazario Cantu, Juan Cantu, Juan Treviño, Tomas Cuerra, Domingo Guerra, Bartolo Treviño, Calisto Portilla, Juan Portilla, Bernardino Flores, Marcos Galindo, Victoriano Lopez, Manuel Lopez, Quinto de Inojosa Juan Longoria y Serna, Matias Garcia, Ignacio Cesares and Juan Prado, witnesses to be produced, sworn and examined before the Judge or Tribunal of the city of Matamoras, in the State of Tamaulipas, acting under the Letter Rogatory issued by the District Court of the United States of America for the District of Texas, in the above entitled cause, on the part of the plaintiffs.

Interrogatory First (to all).—Do you know the plaintiffs, Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos and Doña Estefana Goseacochea de Cortina, and the defendant, Simon Mussina?

Interrogatory Second (to all).—What is your age? Where do you reside? How long have you lived upon or near the Rio Grande?

To Bartolo Treviño Calexto Portilla, Juan Portilla and Bernardino Flores:

Interrogatory Third.—Do you know a certain tract of land lying on the left side of the Rio Grande, and known as the Potrero or Agostadero del Espiritu Santo? If so, does or does not the land opposite to Matamoras, and for two leagues up and down the Rio Grande from the present town site of Brownsville, lie within the said tract of land?

Interrogatory Fourth.—Were you or not acquainted with D. Blas Maria de la Garza? If so, did or did not he ever occupy the said land and keep his cattle thereon? and how many cattle or other stock?

Interrogatory Fifth.—Where did the said Don Blas Maria de la Garza, either according to your personal knowledge or to general reputation and tradition, erect and plan his cattle pens and haels? At what rancho did he generally remain on the said land? How far is this rancho from the present town site of Brownsville, and in what direction?

Interrogatory Sixth.—How long is it since Doña Francisco Cavazos, wife of the said Don Blas Maria de la Garza, died? Did or did not he reside upon the said tract of land after the death of her husband? and at what place?

Interrogatory Seventh.—Where is the rancho now occupied by the peons of D. Rafael Garcia Cavazos? Where is the land

upon the Rio Grande cultivated and used by him? How far are both from the present site of Brownsville?

Interrogatory Eighth.—Where is the rancho of Doña Estefana Goseascochea? What other ranchos on the said tract of land are held by her or her children? Was she or not living on the said tract of land in December, 1848?

To Marcos Galindo:

Interrrogatory Ninth.—Did you or not act as assisting witness for D. Nepomuceno Molano, when he was first Alcalde of the Ayuntamiento of Matamoras? If so, do you or not recollect a copy then made by order of the said Alcalde, of a Testimonio of Title granted to D. José Salvador de la Garza for the Agostadero del Espiritu Santo, which copy was so made at the request of D. Juan Teperina?

Interrogatory Tenth.—Do you recollect who presented the original Testimonio of Title to D. José Salvador de la Garza to the said Alcalde, in order that it might be copied? Who was it? To whom was he then married?

Interrogatory Eleventh.—What was then the appearance of the said Testimonio of Title? Did it or not bear marks of age, and if so, what marks?

Interrogatory Twelfth.—(To Victoriano Lopez Manuel Lopez Quinto de Ynojosa, Juan Longoria y Serna.) Were you personally acquainted with Don José Salvador de la Garza? If so, where was his principal landed estate? and what was it named?

Interrogatory Thirteenth.—What opportunities or facilities did you have for knowing D. José Salvador de la Garza, and how long was you acquainted with him?

Interrogatory Fourteenth.—How was D. José Salvador de la Garza respected and esteemed in the country? Was he or not a man of wealth and importance? What do you know showing that he was or was not so?

Interrogatory Fifteenth.—Where did he have his principal rancho? What was it then called? What is it now called? How far is it from the present town site of Brownsville?

Interrogatory Sixteenth.—What buildings hacales, cattle pens, fences, etc., did the said D. José Salvador de la Garza erect near this rancho? How many cattle, horses, mules, sheep, etc., did he have, and where did he keep them?

Interrogatory Seventeenth.—Do you know a tract of land on the left bank of the Rio Grande, known by the name of El Potrero or Agostadero del Espiritu Santo? If so, where is it situated? How is it bounded on the north, south and west? Who first discovered and made use of it? To whom was it granted?

Interrogatory Eighteenth.—What ranchos were placed or built on this tract of land, and by whom? Where was the rancho of

San Juan del Retiro situated? Where was the ranchos de los Indios? Where was Mesquité, Jarrelada, Paso Viejo, San José, Palo Alto?

Interrogatory Nineteenth.—Who occupied and possessed this tract of land after the death of Don José Salvador de la Garza? Who occupied and possessed it after the death of his children?

Interrogatory Twentieth.—Were you personally acquainted with D. Blas Maria de la Garza, Doña Margarita de la Garza and Doña Javiera or Xaviera de la Garza? If so, whom did they marry and what children did they have?

Interrogatory Twenty-first.—Where does Doña Estefana Goseascochea reside? Is or is not her rancho on the said tract of land? Did she or not reside there in the month of December, 1848, and before?

To Matias Garcia, Ignacia Casases, Juan Longoria y Serna:

Interrogatory Twenty-second.—Do you or not ever recollect to have seen the old testimonio of title for the Agostadoro del Espiritu Santo granted to D. José Salvador de la Garza? If so, when did you see it? In whose hands? And what was its appearance?

Interrogatory Twenty-third.—Do you recollect having been present at a survey made on the Agostadoro del Espiritu Santo in 1827 or 1828, for Rafael Garcia, Manuel de la Garza and Ignacio Treviño? If so, did or did not Matias Garcia require that the said Testimonio of Title should be presented to him, as Alcalde? Who presented it? To whom was it returned?

Interrogatory Twenty-fourth.—Who has had possession of this Testimonio of Title since that time.

To Juan Prado.

Interrogatory Twenty-fifth.—Look at the document now exhibited to you, marked D., and purporting to be an order made by you in March, 1836, and to be annexed to your deposition in the cause in chancery between the same parties as plaintiffs and others as defendants. Is the signature at the end thereof, pruporting to be yours, yours in fact? And is the other signature the genuine signature of Pedro Pablo Palaez? What office did you and the said Palaez hold at that time?

To Demesaria Cautu, Juan Cautu, Juan Treviño, Tomas Guerra, and Domingo Guerra.

Interrogatory Twenty-sixth.—Are you acquainted with the tract of land on the left bank of the Rio Grande, known as the Potrero or Agostadero del Espiritu Santo? If so, who, according to general reputation and tradition first discovered it? And to whom was it granted?

Interrogatory Twenty-seventh.—Is there not a dense thicket

on the said tract of land where the rancho or town site called Santa Rita? If so, how far does it extend between the Arroyo Colorado and the Rio Grande, and in what direction? How far did it extend in former times?

Interrogatory Twenty-eighth.—Can or cannot cattle and horses pass through this thicket easily? Where is the place called the "Puerta?" Why is it so called? Who made it, according to general reputation and tradition? Was there, or not, in former times, a fence in that place?

Interrogatory Twenty-ninth.—Who have had possession of the upper part of said tract of land adjoining this thicket, according to your knowledge and recollection? Who have possession of it now?

To all:

Interrogatory Thirtieth and last.—Do you know any thing else which may be a benefit or advantage to the parties in this cause or material to this your examination? If so, set it forth fully and at large in your answer?

ALLEN & HALE,
Att'ys for Plffs.

And on the same day and year the same set of interrogatories was filed herein, in Spanish, and are as follows, to wit:

Interrogatoria to D. Bartolo Treviño et el.—Spanish.

En la Corte De Distrito de los Estados Unidos, } *Distrito de Texas.* }

Rafael Garcia Cavazos *et al.* } *contra* } Simon Mussina. }

Interrogatorio de Preguntas, que han de ser propositas á D. Demezario Cautu, D. Juan Cautu, D. Juan Treviño, D. Tomas Guerra, D. Domingo Guerra, D. Bartolo Treviño, D. Calixto Portilla, D. Juan Portilla, D. Bernardino Flores, D. Marcos Galindo, D. Victoriano Lopez, D. Manuel Lopez, D. Quinto de Juajoza, D. Juan Longoria y Serna, D. Matias Garcia, D. Ignacio Cesares y D. Juan Prado, testigos que pueden ser producidos jurados y examinados ante el Juez ó tribunal de la ciudad de Matamoras y Estado de Tamaulipas, haciendo de tal, bajo la carta Rugatoria en el pleite arriba mencionado por la parte de los dichos demandadores.

La Primera Pregunta: [a todos:] Conocen Vds. a los demandadores, Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos su esposa y Doña Estefana Goseascochea de Cortina y al demandado Simon Mussina?

La Segunda Pregunta: [a todos:] Que edad tienen Vds. ? En donde viven Vds.? Cuanto tiempo han vivido Vds. sobre la orilla del Rio Grande?

A D. Bartolo Treviño D. Calixto Portilla, D. Juan Portilla y D. Bernardino Flores:

La Tercera Pregunta: Conocen Vds. un terreno sobre la orilla izquierda de Rio Grande y conocido por el nombre de Potrero ó Agostadero del Espiritu Santo? Si es asi, comprehende ó no el dicho terreno, el trecho en frente de Matamoras y á dos leguas arriba y abajo del sitio del pueblo de Brownsville.

La Cuarta Pregunta: Conocian Vds. ó no D. Blas Maria de la Garza? ¿Si es asi tenia ó no el dicho D. Blas posecion del dicho terreno? y pastereó ó no su ganado mayor y menor adentro el mismo, y Cuantas Cabezas de ganado mayor y menor tenia?

La Quinta Pregunta: En que paraje en el dicho terreno segun su conocimiento de V. ó segun reputacion general y tradicion construyó el dicho D. Blas sus corrales y hacales? En cual Rancho en el dicho terreno vivia él generalmente? Que distancia habra de este Rancho del sitio del Pueblo de Brownsville y á que rumbo?

La sesta Pregunta: Cuanto tiempo hace desde de la muerte de Doña Francisca Cavazos, esposa del dicho D. Blas Maria de la Garza? Vivia ella ó no, en el terreno despues de la muerte de su esposo? y en que paraje?

La septima Pregunta? En que paraje está el Rancho ahora ocupado por los peones de D. Rafael Garcia Cavazos? En donde está el labor cultivado por él? Que distancia habra el uno y el otro del sitio del pueblo de Brownsville?

La octava Pregunta? En que paraje está el Rancho de Doña Estefana Goseascochea? Que Rancho ademas en el dicho terreno tiene ella ó sus hijos ¿ Vivia ella en el dicho terreno en el mos de Deciembre de 1848, ó no?

A D. Marcos Galindo:

La novena Pregunta: Estaba V. ó no testigo de assitencia de D. Nepomuceno Molano, al tiempo que el dicho Señor estaba de alcalde Primero del Ayuntamiento de Matamoras? Si es asi se acuerda V. de una copia hecha por orden del dicho alcalde de Testimonio de Titulo expedido á Don José Salvador de la Garza del Agostadero del Espirtu Santo la cual copia era traslada segun la peticion de D. Juan Tijerina?

La decima Pregunta: Se acuerda V. quien presentó el original Testimonio espedido al dicho D. José Salvador de la Garza, al dicho alcalde para copiarlo? Quien era? Quien estaba su esposa?

La undecima Pregunta: ¿ Que era entonces la vista del dicho Testimonio. Tenia ello ó no indicios de antigüedad, y si es asi ¿ cuales indicios?

A D. Victoriano Lopez, D. Manuel Lopez D. Quinto de Juajosa y D. Juan Longoria y Lerna:

La duodecima Preguuta: Conocian Vds ó no á Don José Salvador

de la Garza? Si es asi en donde estaba su hacienda principal y bajo cual nombre era cenocida ella?

La decima tercera Pregunta: ¿ Que oportunidad ó comodidad tenia V. para conocer ó Don José Salvador de le Garza, y cuanto tiempo le conocia V.?

La decima cuarta Pregunta: Como era respetado y estimado en el pais D. José Salvador de la Garza? Era rico ó no? y era ó no hombre de importancia y consideracion? declara todo lo que conoce V.?

La decima quinta Pregunta: En donde estaba su rancho principal? como se llamaba entonces? como se llama ahora el dicho Rancho Quantas leguas hay del Pueblo de Brownsville al dicho Rancho?

La decima sesta pregunta: Que casas, hacales, corales, cercas etc.: construyó el dicho Don José Salvador de la Garza, cerca de este Rancho? cuantas cabazas de ganado mayor y menor tenia él? y en donde?

La decima septima pregunta: Conoce V. el terreno sobre la orilla izqueirda del Rio Grande que llaman el Potrero ó Agostadero del Espiritu Santo? Si es asi, eu donde esta el dicho terreno? Que estan sur linderos al Norte, Sur, Poniente? Quien primero la discubri y gozo de ella? á quien, era mercedado?

La decima octava pregunta: Que ranchos se porsieron ó establecieron en el dicho terreno, y por quienes? En donde estaban los Ranchos de San Juan del Retiro; de los Indios, Mesquite, Jarrelado, Paso Viejo, San José, Palo Alto?

La decima nona pregunta. Quienes tenia posicion del dicho terreno despues de la muerte de Don José Salvador de la Garza? Quienes tenia posicion del mismo, despues de la muerte de sus hijos?

La vigesima pregunta: ¿Conoce V. personelmente á Don Blas Maria de la Garza, Doña Margarita de la Garza, y Doña Javiera ó Xaveira de la Garza? ¿Si es asi, con quien se caso cado uno, y que hijos tenian?

La vigesima primera pregunta: En donde vivio Doña Estefana Goseascochea: Es ó no, es el Rancho de la dicha Señora en el terreno antedicho? vivia ella ó no, alli en el mes de Diciembre, de 1848?

A Don Matias Garcia, Don Ignacio Ceasares, y Don Longeria y Lema:

La vigesima segunda pregunta: Se acuerda V., o no, haber visto en cualqiuer tiempo el viejo, Testimonio de Titulo del Agostadero del Espiritu Santo, mercedado á Don José Salvador de la Garza? ¿Si es asi, cuando la vieron Vds.? En les manos de quien? y cual era la vista o apariencia de ella?

La vigesima tercera pregunta: Le acuerde V., se hallarse a la mensura que se hizo en el Agostadero del Espiritu Santo en los años de 1827, y 1828, para Don Rafael Garcia, Don Manuel de la

Garza, y Don Ignacio de Treviño? Si es asi, cuando o no, el dicho Don Matios Garcia, en virtud de su autoridad como alcalde que se presentaria el dicho Testimonio á él? Quien la presento? A quien se devolvio?

La vigesima cuarta pregunta: Quien ha tenido el dicho Testamento despues?

A Don Juan Prado:

La vigessima quinta pregunta: Mire V. este documento ahoa presentado á V., mercado D. y propeniendo ser un orden de V., de fecha de Marzo 7, de 1836, y que ha de ser agregado á su deposicion en la atro causa en la chancilleria entre los mismos demandadores, y otros demandados? ¿Es ó no, es la firma al fin propeniendo ser la suya, su firma de hecho? ¿Y es la otra firma la verdadera firma, de Don Pedro Pablo Palaez? Que oficios ó empleos publicos tenia V., y el dicho Señor Palaez entonces?

A Don Demasio Cauta, Don Juan Cauta, Don Juan Trevino, Don Tomas Guerra, y Don Domingo Guerra:

La vigessima sesta pregunta? Conoce V. un terreno sobre la orilla izquerda del Rio Grande, conocido con el nombre de Potrero o Agostadero del Esperitu Santos Si es asi, quien primero segun reputacion general, y tradicion, lo discutrio, y á quien era ello mercedados

La vigesima septima pregunta: Se halla, ó no, un monte espeso, en el dicho terreno, mas cararibа del Rancho, ó sitio de puebla, que se llama Santa Rita? Si es asi? á que distancia del Arroyo Colorado hacia el Rio Grande llega, este monte, y en que rumbo? A que distancia mas se extendia en tiempos posados?

La vigesima octava pregunta: Pueden ó no los cavallos, vaces ete, facilmente traspas este monte? En donde está, el paraga, que se llama "La Puerta," Porque se llama este nombre? Quien segun reputacion general, y tradicion hizo esta Puerta? Estaba o no, en tiempo posados, una cerca en esta porago?

La Vigesima Nona pregunta: Quienes segun su conocimiento y memoria, han poseido y unido la parte del dicho terreno inmediamente abajo del dicho monte? Quienes tienen posicion de ella ahora?

A todos:

La Trigesima y Ultima Pregunta: ¿Saben Vds. algo mas que sea de provecho ó benificio á los demandados y al demandado en esta causa ó sea de impertancia en esta su examinacion? Si es asi, declaralo á la larga en su contestacion?

ALLEN Y HALE,
Avogados por Demandantes.

And afterwards, to wit, on the eighteenth day of February, of the same year a revocation of a power of attorney was filed herein which is in the words following, to wit:

Revocation of a Letter of Attorney.

Know all men by these presents that we, Angela Garcia de Tarniva, Felipa Garcia de Mananton, daughters of Rafael Garcia, deceased, and Guadalupe Cisernes de las Casas, late widow of the said Rafael Garcia and now the wife of Antonio Maria de las Casas, and Antonio Maria de las Casas, citizens of Matamoras, State of Tamaulipas, in the Republic of Mexico, moved by divers good considerations, have revoked, countermanded, annulled and made void and by these presents do revoke, countermand, annul, and make void all powers of attorney, writings and powers and authority therein and thereby given and granted by us, and either of us, in our own right, or as the representative or representatives of others, to Elisha Basse and Robert H. Hord, or to the firm of Basse & Hord, of Brownsville, Cameron County, Texas, hereby revoking, countermanding, annulling and making void, all power, to them, the said Basse & Hord, or either of them granted, to act as our attorney or attorneys, agent or agents in representing our or either of our interest in the lands of the Potrero del Espiritu Santo, and Santa Isabel, or in any other and all land whatsoever in any power of attorney or instrument of writing contained, and specially, annulling, revoking, countermanding, and making void all power and authority by us or either of us vested in, or granted to the said Elisha Basse and Robert H. Hord, or the firm of Basse & Hord, to appear as our, or either of our attorney agent, or agents in the Courts of the United States, or of any Court or Courts whatsoever within the United States of America, or elsewhere. Witness our hands and seals on this twenty-eighth day of January, A. D., 1850. "And in," introduced before signing.

ANGELA GACRIA DE TARNIVA, [L. S.]
FELIPE GARCIA DE MANANTON, [L. S.]
her
GUADALUPE CISERNES ⋈ DE LAS CASAS. [L. S.]
mark

Signed, sealed and delivered in presence of Antonio T. Lafon, Teir'do de Mananton J. J. H. Granmont.

CONSULATE OF THE U. S. A.,
Matamoras, Mexico.

Before me, Thomas W. Slemons, Consul of the United States of America at the port of Matamoras, personally appeared Doña Guadalupe Cisernes de las Casas, wife of Antonio Maria de las Casas, parties to a certain deed or writing, bearing date on the 28th day of January, A. D. 1850, and hereto annexed, and having been examined before me privily and apart from her husband, having the same fully explained to her, she, the said Guadalupe Cisernes de las Casas, acknowledges the same to be her act and deed, and declared that she had willingly signed, sealed and delivered the same, and that she wished not to retract it.

In testimony whereof, I hereunto subscribe my name and affix the seal of my office this 28th day of January, 1850.

[SEAL.] THOMAS W. SLEMONS.

THE STATE OF TEXAS, }
County of Cameron. }

Before me, Russell Howard, a Notary Public, in and for the County of Cameron, and State aforesaid, duly commissioned and sworn, this day personally appeared J. J. H. Grammont, to me known, who being duly sworn, stated on his oath, that he is personally acquainted with, and saw Angela Garcia de Tarniva, Felipa Garcia de Mananton and Guadalupe Cisernos de las Cases, grantors in the within instrument of writing, subscribe the same and acknowledged to be their act and deed, for the consideration and purposes therein stated, and that he, the said J. J. H. Grammont, thereupon signed the same as a subscribing witness at the request of said grantors.

Witness my hand and seal of office, this 29th day of January, A. D., 1850.

[SEAL.] RUSSELL HOWARD,
Notary Public.

Filed for Record January the 29th, 1850, at 4 o'clock, P. M., and recorded the same day.

J. J. H. GRAMMONT,
Clerk, C. C. C. C.

THE STATE OF TEXAS, }
County of Cameron. }

I, the undersigned, J. J. H. Grammont, Clerk of the County Court, and Recorder in and for the County of Cameron, do hereby certify that the foregoing is a true and correct copy of the record of my office in Book C, pages 45 and 46.

Witness my hand, and seal of office, on this 1st day of January, A. D., 1850.

[SEAL.] J. J. H. GRAMMONT,
Clerk C. C. C. C.

And afterward, to wit, on the twenty-third day of February, of the same year, a Letter Rogatory, with interrogatories accompanying the same, to take the depositions of Don Nicolas Garcia and others, was filed herein, and is as follows, to wit:—

Letter Rogatory. D. Nicolas Garcia, et al.

UNITED STATES OF AMERICA, }
District of Texas, } ss.

The President of the United States of America, to any Judge or Tribunal having jurisdiction of civil causes in the town of Camargo, or in the United Mexican States, Greeting:

Whereas, a certain suit is pending in our District Court of the United States for the District of Texas, in which Rafael Garcia Cavazos, Maria Josefa Cavazos, his wife, and Estefana Goseascochea de Cortina, are plaintiffs, and Simon Mussina, is defendant, and it has been suggested to us that there are witnesses residing within your jurisdiction, without whose testimony justice cannot be completely done between the parties.

We therefore request you, that in furtherance of justice, you will, by the proper and usual process of your Court, cause such witness or witnesses as shall be named to you on the part of the said plaintiffs to come before you, or some competent person, by you for that purpose appointed and authorized, at a precise time and place by you to be fixed, and there to answer on their oaths to the several interrogatories and cross-interrogatories hereunto annexed, and that you will cause their depositions to be committed to writing, and delivered under cover duly closed and sealed up together with the said interrogatories and these presents, to the person who may present this letter, in order that he may bring them to our said court, and we shall always be ready and willing to do the same for you in a similar case when required.

Witness the Honorable John C. Watrous, Judge of the
[L. S.] District Court of the United States of America, for the District of Texas, at the City of Galveston, on the twenty-third day of February, in the year one thousand eight hundred and fifty.

JAMES LOVE, *Clerk.*

EN LOS ESTADOS UNIDOS DE AMERICA,
Distrito de Texas.

El Presidente de los Estados Unidos de America, á cualquiere Juez ó Tribunal teniendo jurisdiccion en causas civiles en la villa de Camargo, ó en el Estado de Tamaulipas, en los Estados Unidos Mexicanos—Salud:

Mediante que se siguen autos en Nuestra Corte de Distrito para el Distrito de Texas, á instancia de los Señores Don Rafael García Cavazos, Doña Maria Josefa Cavazos, su esposa y Doña Estefana Goseascochea de Cortina, Demandadores, contrá, Don Simon Mussina, Demandado; y hemos sido informados que existen entre la jurisdiccion de V. algunos testigos sin cuyas deposiciones, la justicia no puede ser enteramente administrada entre las dichas partes.

En esta atencion, rogamos a V., in subsidio juris y por el proceso usual de su Tribunal que mande citar tal testigo ó testigos cuyos nombres se han de dar por la parte de los dichos demandadores, á comparecer ante V., ó otra persona competente autorizada por V., por ese objeto, en un lugar y tiempo determinado por V., y alli á responder bajo juramento, á las varias

preguntas y re-preguntas del interrogatorio inserto, y V. se servira disponer que los dichos, de tal testigo ó testigos seran tomados por escrito, y evacuadas las deposiciones mandar entregar originales con el interrogatorio, y la presente abajo cubierta, selladas y serradas, á la persona que presente esta Requisitoria, para que las traiga ante Nuestra Corte, y nostros corresponderemos en ignales terminos siempre que a nos se presenten las suyas.

Fecha en la Ciudad de Galveston, en los veinte y trés [L. S.] dias del mes de Febrero, y el año de mil ochocientos y cincuenta. El Honorable John C. Watrous, Juez de la Corte de Distrito de los Estados Unidos de America para el Distrito de Texas.

Por el Secretario—JAMES LOVE.

Certifico en toda forma de derecho, que el antecedente documento cuya original se acompaña está fielmente traducido del Idioma Yngles.

Secretario—JAMES LOVE.

DISTRICT COURT OF THE UNITED STATES, *District of Texas.*

RAFAEL GARCIA CAVAZOS *et al.* *v.* SIMON MUSSINA.

Interrogatories to be propounded to D. Nicolas Garcia, D. Manuel de la Chapa, D. José Antonio Garza Falcón, D. Juan Manuel Ramires, witnesses to be produced, sworn and examined before the judge or tribunal in the town of Camargo in the State of Tamaulipas, acting under the annexed Letter Rogatory issued by the District Court of the United States for the District of Texas, in the above entitled cause on the part of the said plaintiffs.

Interrogatory First (to all).—Do you know the plaintiffs, D. Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, his wife, and Doña Estefana Goseascochea de Cortina and the defendant, Simon Mussina?

Interrogatory Second (to all).—What is your age, and where have you resided during your life?

To D. Nicolas Garcia, D. Manuel de la Chapa, D. José Antonio de la Garza Falcon, alone.

Interrogatory Third.—Were you acquainted personally with D. José Salvador de la Garza? How long were you acquainted with him, and what opportunities did you have for knowing him?

Interrogatory Fourth.—Where did D. José Salvador de la Garza generally reside? Is his residence or house still standing, and where is it situated? Of what size was it originally and of what built?

Fifth Interrogatory.—Was, or was not, Don José Salvador de la Garza a man of wealth? How was he respected and considered in the country? What offices or posts in the army, or otherwise, did he hold? What was his standing and position at Camargo?

Sixth Interrogatory.—Who was the wife of D. José Salvador de la Garza? Who were their children?

Seventh Interrogatory.—Where did D. José Salvador de la Garza die, and when, so nearly as you can recollect? How long had he been married?

Eighth Interrogatory.—Do you know a tract of land on the left side of the Rio Grande, opposite to Matamoras, known as the Potrero or Agostadero del Espiritu Santo? If so, how long have you known it by that name? How long is it since you were first on this tract of land?

Ninth Interrogatory.—What are its peculiar natural advantages? Why is it called a Potrero? What were considered to be its boundaries in the time of D. José Salvador de la Garza?

Tenth Interrogatory.—Who was known as the owner of this tract of land when you first knew it? Who first discovered and made use of it?

Eleventh Interrogatory.—Do you recollect any controversy between D. José Salvador de la Garza and D. José Narciso Cavazos respecting this tract of land? If so, what was its cause and how was it concluded?

Twelfth Interrogatory.—At the time when you first knew this tract of land, were there, or not, any Indians in that part of the country? Was there, or not, any danger in residing upon the land? What instances or occasions of hostilities on the part of the Indians do you recollect?

Thirteenth Interrogatory.—Were there any Indians domesticated and living peaceably on the said tract of land when you first knew it? Who had placed them there, and what was the place where they lived called?

Fourteenth Interrogatory.—How many head of cattle, horses, mules, sheep, etc., had D. José Salvador de la Garza upon this tract of land? Where were his cattle pens, *haeales*, and what were the names of his ranchos upon the said tract? How many peons or servants had he employed there?

Fifteenth Interrogatory.—How did he manage to keep his cattle, horses, etc., enclosed within the said tract of land?

Sixteenth Interrogatory.—To whom was D. Blas Maria de la Garza married? Did he die before or after D. José Salvador de la Garza?

Seventeenth Interrogatory.—To whom was Doña Margarita de la Garza married? What children had she, and are her children still living?

Eighteenth Interrogatory.—To whom was Doña Javiera or

Xaviera de la Garza married? What children had she, and are they living or dead?

Nineteenth Interrogatory.—Who, to your knowledge, have had possession of the said tract of land known as the Potrero or Agostadero del Espiritu Santo, as owners and proprietors thereof, since the death of D. José Salvador de la Garza?

Twentieth Interrogatory.—To whom was the said tract of land first granted? Was the grant made in the time of the Spanish monarchy, or by the State of Tamaulipas?

Twenty-first Interrogatory.—In what place on the said tract of land has Doña Estefana Goseascochea de Tijerina, lived? Did she, or not, live there in December, 1848?

To D. Juan Manuel Ramires, alone:

Twenty-second Interrogatory.—Do you know a certain tract of land known as the Potrero or Agostadero del Espiritu Santo, on the left bank of the Rio Grande? If so, how long have you known it and its owners?

Twenty-third Interrogatory.—Who have had possession of it since you knew it? Who have been generally reputed and considered as its owners?

Twenty-Fourth Interrogatory.—To whom, according to general reputation and belief, was the said tract of land first granted, and when?

Twenty-fifth Interrogatory.—What are the names of the several ranchos on the said tract of land, and by whom have they been occupied? How many cattle, horses, mules, etc., belonging to D. José Salvador de la Garza and his heirs, have you known at any one time to be grazing, and kept on the said tract, and when?

Twenty-sixth Interrogatory.—Did you know Doña Francisca Cavazos? To whom was she married? Did she, or not, after the death of her said husband, reside upon the said tract of land, and where?

Twenty-seventh Interrogatory.—Do you recollect any disputes between the Ayuntamiento of Matamoras, and Doña Francisca Cavazos, relative to the portion of the said tract of land opposite to Matamoras? If so, what was the cause of such dispute or controversy? Did the said Doña Francisca ever acknowledge the claim of the said Ayuntamiento to that portion of the land, to be valid or not?

Twenty eighth Interrogatory.—Look at this paper writing now presented to you, marked E, purporting to be a copy of the testament of Doña Maria Gertrudis de la Garza Falcón, and to be annexed to your deposition in the case in chancery between the same parties as plaintiffs, and others as defendants.? Is, or is not, the signature at the end thereof, purporting to be the signature of D. Santiago Dominguez, his true and genuine signature? What public office did the said D. Santiago Dominguez hold at the time of sign-

ing the same? And is, or is not, the said paper writing a true and legal copy of the original in the archives of Camargo?

To all:

Twenty-ninth and Last Interrogatory.—Do you know anything else which may be a benefit or advantage to any of the parties in this cause, or material in this, your examination? If yea, set it forth fully and at large in you answer.

ALLEN & HALE,
Attorneys for Plaintiffs.

En la Corte de Distrito de los Estados Unidos,
Distrito de Texas.

DON RAFAEL GARCIA CAVAZOS, y otros,
contra
SIMON MUSSINA.

Interrogatorio de preguntas que han de ser propositas á D. Nicolas Garcia, D. Manuel de la Chapa, D. José Antonio Garza Falcon, y D. Juan Manuel Ramires, testigos que pueden ser producidos jurados y examinados ante el juez ó tribunal de la villa de Camargo, en el Estado de Tamaulipas, haciendo de tal bajo la carta rogatoria expedida por la Corte de Distrito de los Estados Unidos de America, para el Distrito de Texas, en el pleito arriba mencionado por parte de los dichos demandadores.

La Primera Pregunta (á todos): Conocen Vds. á los demandadores D. Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, su esposa, y Doña Estefana Goseascochea de Cortina, y á Don Simon Mussina, demandado.

La Segunda Pregunta (á todos): Que edad tienen Vds. y en donde han vivido Vds. durante su vida?

A Don Nicolas Garcia, Don Manuel de la Chapa y Don José Antonio de la Garza Falcón:

La Tercera Pregunta: Conocian Vds. personalmente á Don José Salvador de la Garza? Cuantos años lo conocia V. á él? y que oportunidad tenia V. para conocerlo?

La Cuarta Pregunta: En donde vivia generalmente D. José Salvador de la Garza? Existe hasta ahora su casa? y en donde se halla? Que dimensiones y forma tenia ella y de que se fabrico?

La Quinta Pregunta: Es ricó D. José Salvador de la Garza ó no? Como era respetado y estimado en el pais? Que empleos ó dignidad tenia? Que condicion y importancia tenia él en Camargo?

La Sesta Pregunta: Quien fue la esposa de D. José Salvador de la Garza, y cuando segun la memoria de V. cuanto tiempo habia sido casado el dicho D. José?

La Octava Pregunta: Conocen Vds. el terreno sobre la orilla izquierda del Rio Grande conocido con el nombre de Potrero ó Agostadero del Espiritu Santo? Si es asi, cuanto tiempo lo

conocia V. bajo ese nombre? Cuanto hace desde se hallaba V. en este terreno por la primera vez?

La Nona Pregunta: Que comodidades particulares tiene ello? Porque se llamo ello "Potrero?" Que eran sus linderos en el tiempo de D. José Salvador de la Garza, segun reputacion general?

La Decima Pregunta: Quien estaba reputado por dueño del dicho terreno cuando lo conoció V. la primera vez?

La Undecima Pregunta: Tiene V. presente alguna controversia entre D. José Salvador de la Garza con D. José Narciso Cavazos tocante al dicho terreno? Si es asi; que era la causa de esta contraversia, y en que manera se acabo?

La Duodecima Pregunta: Al tiempo que conocia V. por la primera vez el dicho terreno, se hallaban ó no indios al rededor en el pais? Estaba ó no en peligro viviendo alli? Que pruebas ó exemplos de hostilidad por parte de los Yndios se acuerda V.?

La Decima-Tercera Pregunta: Se hallaban ó no algunos indios de pas en el dicho terreno cuando lo conocia V. primeramente? Quien los habia establecido alli? y como se llama el paraje donde vivian?

La Decima-Cuarta Pregunta: Cuantas cabezas de ganado mayor y menor, vacas caballos, mulas, ovejas, etc., tenia D. José Salvador de la Garza en el dicho terreno? En que parages estaban sus corrales, hacales, etc., y como se llamaban sus ranchos adentro el dicho terreno? Cuantos peones y labradores tenia trabajando alli?

La Decima Quinta Pregunta: En que modo tenia sus cavallos, etc.; cerrados en el dicho terreno?

La Decima-Sesta Pregunta: Con quien se casó D. Blas Maria de la Garza? Murió él antes del muerte de D. José Salvador de la Garza ò despues?

La Decima-Septima Pregunta: Con quien se casó la Señora Doña Margarita de la Garza? Que hijos tenia ella? Viven ahora sus hijos ó no?

La Decima-Octava Pregunta: Con quien se casó Doña Javiera ó Xaviera de la Garza? Que hijos tenia ella? Viven ahora sus hijos ó no?

La Decima-Novena Pregunta: Quienos segun su conocimiento de V. han tomado posecion del dicho terreno conocido por el nombre del Potrero ó Agostadero del Espiritu Santo despues del muerte de D. José Salvador de la Garza, como dueños y proprietarios del mismo?

La vigesima Pregunta. A quien era mercedado primeramente el dicho terreno? Se hizo la merced en el tiempo del Rey ó por el Estado de Tamaulipas?

La vigesima primera Pregunta. En que paraje en el dicho terreno ha vivido Doña Estefana Goseascochea de Cortina? Vivio alli en el mes de Diciembre, de 1848, y antes?

A D. Juan Manuel Ramires:

La vigesima segunda Pregunta. Conoce V un terreno que se llama el Potrero ó Agostadero del Espiritu Santo sobre la orilla izquierda del Rio Grande del Norte? Si es asi, ¿desde cuando lo conoce V y á sus dueños?

La vigesima tercera Pregunta. Quienes han tenido posecion de ello desde que lo conocio V? Quienes segun reputacion general y créencia han sido los dueños de ello?

La vigesima cuarta Pregunta. ¿A quien segun reputacion y creéncia general fué mercedado primeramante el dicho terreno? Y cuando?

La vigesima quinta Pregunta. ¿Que son los nombres de los ranchos en el dicho terreno, y por quienes han sido ellos occupados. Cuantas Cabezas de ganado Mayor y menor, cavallos mulas, &c., de la propriedad de Don José Salvador de la Garza y sus herederos segun su conocimiento de V han sido pastoreados adentre el dicho terreno? Y cuando?

La vigesima sesta Pregunta. ¿Conocia V á Doña Francisca Cavazos? Con quien se caso ella? Vivio ella ó no despues de la muerte de su esposa, en el dicho terreno, y en que parage?

La vigesima septima Pregunta. Se acuerda V de algunos pleitos ó contraversias entre el ayuntamiento de Matamoras con Doña Francisca Cavazos tocante a la parte del dicho terreno en frente de Matamoras? Si es asi que era la causa de los dichos pleitos ó contraversias? Reconocio en cualquier tiempo la dicha Señora ó confesso las pretenciones del dicho ayuntamiento ser justas ó fundadas en derecho?

La vigesima octava Pregunta. Mire V el papel escrito ahora presentado á V marcado E., proponiendo ser copia del Testamento de Doña Maria Gertrudis de la Garza Falcon y que ha de ser agregado á su deposicion de V en la otra causa en la chancilleria entre los mismos demandadores y otros demandados? ¿Es ó no es la firma al fin del dicho Testamento proponiendo ser la firma de Don Santiago Dominguez su propia verdadera firma del? Que oficio ó empleo publico tenia el dicho D. Santiago Dominguez al tiempo de firmando el dicho documento? Y es á no el dicho papel escrito, una copia fiel y legalmente traslada del original en archivo de la villa de Camargo?

(A todos.)

La vigessima nona y ultima Pregunta. Saben Vds. algo mas que sea de provecho ó benificio á los demandadores ó demandados en esta causa ó sea de importancia en esta su examinacion. Si es asi, declaro lo á la larga en su contestacion?

ALLEN Y HALE,
Abogados pro Demandantes.

And afterwards, to wit, on the same day and year, a Letter Rogatory and interrogatories accompanying, issued to Don José Antonio Samora, and others, which is as follows, to wit:

Letter Rogatory.—Don José Ant. Samora, et al.

UNITED STATES OF AMERICA,
District of Texas.

The President of the United States of America, to any Judge or Tribunal having jurisdiction of civil causes in the town of Reinosa, or in the State of Tamaulipas, in the United Mexican States. Greeting:

Whereas a certain suit is pending in our District Court for the District of Texas, in which Rafael Garcia Cavazos, Maria Josefa Cavazos, his wife, and Estefana Goseascochea de Cortina are plaintiffs, and Simon Mussina is defendant, and it has been suggested to us that there are witnesses residing within your jurisdiction without whose testimony justice cannot be completely done between the parties.

We therefore request you, that, in furtherance of justice, you will cause such witness or witnesses as shall be named to you on the part of the said plaintiffs, to appear before you, or some competent person by you for that purpose appointed and authorized, at a precise time and place by you to be fixed, and then and there to answer on their oaths to the several interrogatories and cross-interrogatories hereunto annexed, and that you will cause their depositions to be committed to writing, and delivered under cover duly closed and sealed up, together with the said interrogatories and these presents, to the person who may present this letter, in order that he may bring them to our said Court; and we shall be always ready and willing to do the same for you in a similar case, when required.

Witness the Honorable John C. Watrous, Judge of the District Court of the United States of America for the District of Texas, at the city of Galveston, on the twenty-third day of February, in the year one thousand eight hundred and fifty.

[L. S.] JAMES LOVE, *Clerk.*

EN LOS ESTADOS UNIDOS DE AMERICA,
Distrito de Texas.

El Presidente de los Estados Unidos de America a cualquiera Jues ó Tribunal teniendo jurisdiccion en causas civiles (en la villa de Reinosa) y en el Estado de Tamaulipas en los Estados Unidos Mexicanos: Salud:

Mediante que se siguen autós en nuestra corte de Distrito para el Distrito de Texas, á instancia de los Señores Don Rafela Garcia Cavazos, Doña Maria Josefa Cavazos, su esposa, y Doña Estefana Goseascochea de Cortina, Demandadores, contra Don Simon Mussina, Demandado, y hemos sido informados que existen entre la jurisdiccion de V. algunos testigos sin cuyas deposiciones, la justicia no pueda ser enteramente administrada entre las dichas partes.

En esta atencion rogamos a V., in subsidio juris, y por el, proceso usual de su Tribunal, que mande citar tal testigo ó testigos, cuyos nombres se han de dar por la parte de los dichos demandadores, á comparecer ante V., ú otra persona competente autorizada por V., por ese objeto, en un lugar y tiempo determinado por V., y alli á responder bajo juramento á las varias preguntas y re-preguntas del interrogatorio inserto: y V. se servira disponer que los dichos de tal testigo o testigos seran tomados per escrito y evacuados las deposiciones mandar entregar-originales con el interrogotorio y la presente abajo cubierta, serradas y selladas, á la persona, que presente esta Requisitoria, para que las traiga ante nuestra corte; y nosotros correspondere. mos en iguales terminos siempre que á nos se presenten las suyas.

Fecha en la Ciudad de Galveston, en los veinta. y tres del mes de Febrero, y el año de mil ochocientos y cincuenta. El Honorable John C. Watrous, Juez de la Corte de Distrito de los Estados Unidos de America, para el Distrito de Texas.

[SEAL. *Por el Secretario.*
JAMES LOVE, *Clerk.*

Certifico en toda forma de derecho, que el antecedente documento, cuyo original se acompaña, esta fielmente traducido del idioma Yngles.

[SEAL.] *Secretario.*
JAMES LOVE, *Clerk.*

DISTRICT COURT OF THE UNITED STATES,
District of Texas.

RAFAEL GARCIA CAVAZOS, *et al.*,
vs.
SIMON MUSSINA.

Interrogatories to be propounded to Don José Antonio Samora, D. Marcos Gomez, D. Ciprio Munguia, D. Francisco Cautu, D. Romualdo Guerra, D. Manuel de la Viña, D. George Cavazos, D. Blas Maria Cavazos, D. Guadalupe Cavazos, D. Rafael Aleman, and Presb's D. José Antonio de la Garza Rodriguez, witnesses to be produced, sworn and examined before the Judge or Tribunal of the town of Rimosa, acting under the annexed Letter Rogatory, issued by the District Court of the United States of America for the District of Texas, in the above entitled cause, on the part of the plaintiffs:

Interrogatory First. [To all.] Do you know the plaintiffs, Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, his wife, and Doña Estefana Goseascochea de Cortina, and the defendant, Simon Mussina?

To D. José Antonio Samora, D. Marcos Gomez, D. Ciprio Mungeria, D. Francisco Cautu, and D. Romualdo Guerra, alone:

Interrogatory Second.—What is your age? How long have you lived near the Rio Grande, and where?

Interrogatory Third.—Were you, or not, personally acquainted with D. José Salvador de la Garza? How long were you acquainted with him, and what opportunities did you have for knowing him?

Interrogatory Fourth.—Was or was not D. José Salvador de la Garza a man of wealth? How was he respected and considered in the country? When did he first establish himself on the Rio Grande, and where?

Interrogatory Fifth.—Who was the wife of the said Don José Salvador de la Garza? Who were their children? How long was he married before his death?

Interrogatory Sixth.—Do you know a tract of land on the left side of the Rio Grande known as the Potrero, or Agostadero del Espiritu Santo? If so, how long have you known it? By what name?

Interrogatory Seventh.—Where is the said tract of land situated? Why is it called Potrero?

Interrogatory Eighth.—Who first discovered and made use of this tract of land? Who was known as its owner when you first knew it?

Interrogatory Ninth.—Do you recollect any controversy between D. José Salvador de la Garza and D. José Narciso Cavazos respecting this tract of land? If so, what was its cause, and how was it concluded?

Interrogatory Tenth.—How many head of cattle, horses, sheep, mules, etc., did D. José Salvador de la Garza and his heirs keep on the said tract of land? Where were the ranchos upon the said tract of land, and what were their names, so far as you can recollect?

Interrogatory Eleventh.—Were you personally acquainted with D. Blas Maria de la Garza? If so, of whom was he the son? When did he marry? Did he have any children living at his death?

Interrogatory Twelfth.—Where did D. Blas Maria de la Garza die? How was he considered and respected in the country?

Interrogatory Thirteenth.—Were you personally acquainted with Doña Francisca Cavazos? If so, how long did she live after the death of D. Blas Maria de la Garza? Did she or not live after his death on the Potrero del Espiritu Santo, and if so, where?

Interrogatory Fourteenth.—Were you or not acquainted with Doña Maria Ignacio Cavazos? If so, where did she reside before the death of Doña Francisca? What relation was she to Doña Francisca? To whom was she, Doña Ignacia, married, and what children did she have?

Interrogatory Fifteenth.—State the names of the persons, so far as you know, who have had possession of the Agostadero del Espiritu Santo, as owners and proprietors thereof, up to the present time?

To D. Manuel de la Viña and D. George Cavazos:

Interrogatory Sixteenth.—Look at the paper writing marked F. now presented to you, and purporting to be a copy of the testament of D. Blas Maria de la Garza, and to be annexed to your deposition in the cause in chancery between the same parties as plaintiffs, and others as defendants: is J. Antonio Leal de Leon, whose name is signed thereto, living or dead? What office did he hold at the time of signing the said paper? Is or is not the signature thereto, purporting to be his, his true and genuine signature?

Interrogatory Seventeenth.—[To D. Manuel de la Viña alone.] —Is or is not the signature at the end of said copy, purporting to be yours, yours in fact? If so, is or is not the said paper writing a true and legal copy of the original?

Interrogatory Eighteenth.—Were you or not acquainted with Doña Francisca Cavazos and Doña Maria Ignacia Cavazos? If so, what relationship existed between them?

Interrogatory Nineteenth.—In what tract of land on the left bank of the Rio Grande had Doña Francisca Cavazos an interest as owner? How far is the part of this tract of land occupied by Doña Francisca from the city of Matamoras?

Interrogatory Twentieth.—Do you recollect a controversy between Doña Francisca Cavazos and the Ayuntamiento of Matamoras, relative to a portion of this tract of land in front of Matamoras? If so, what was the cause of it? Did Doña Francisca ever acknowledge the justice of the claim of the Ayuntamiento?

To D. Blas Maria Cavazos, D. Guadalupe Cavazos, and D Rafael Aleman:

Interrogatory Twenty-first.—Look at the paper writing now presented to you, marked F. F., and purporting to be a copy of the testament of D. Blas Maria de la Garza, and to be annexed to your deposition in the cause in chancery between the same parties as plaintiffs and others as defendants: is or is not the signature at the end thereof, purporting to be yours, yours in fact? Is or is not the said paper writing a true and legal copy of the said testament? What office did D. Blas Maria Cavazos hold at the time of signing the same, and in virtue of what office did he sign it?

To Presb's Antonio de la Garza Rodriguez:

Interrogatory Twenty-second—(Look at the paper writing now presented to you) marked XX., and purporting to be a copy of the entry of the marriage of Don Rafael Garcia Cavazos and Doña Maria Josefa Cavazos, in the register of the parish of Reynosa, and to be annexed to your deposition in the cause in chancery between the same parties as plaintiffs and others as defendants:) Is or is not the signature at the end thereof your true signature? Is or is not the same a true copy of the said entry, taken from the

archives under your charge as priest of the town and jurisdiction of Reynosa?

To all:

Interrogatory Twenty-third and Last.—Do you know any thing else which may be a benefit or advantage to the parties at issue in this cause, or which may be material in this your examination? If yea, set it forth at large in your answer?

ALLEN & HALE,
Of Counsel for Plffs.

EN LA CORTE DE DISTRITO DE LOS ESTADOS UNIDOS,
Distrito de Texas.

RAFAEL GARCIA CAVAZOS, y otros,
contra
SIMON MUSSINA.

Interrogatorio de preguntas que han de ser propositas á D. José Antonio Samora, D. Marcos Gomez, D. Ceprio Mungina, D. Francisco Cautu, D. Romualdo Guerra, D. Manuel de la Niña, D. George Cavazos, D. Blas Maria Cavazos, D. Guadalupe Cavazos, D. Rafael Sleman, Presbo. D. Antonio de la Garza Rodriguez, testigos que pueden ser producidos jurados y examinados ante el Juez ó Tribunal de la Villa de Reynosa, haciendo de tal, bajo la Carta Rogatoria expedida de la Corte de Distrito de los Estados Unidos de America para el Distrito de Texas, en el pleito arriba mencionado, por parte de los dichos demandados.

La primera pregunta. [á todos.] Conocen Vds. á los demandadores, Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, su esposa, y Doña Estefana Goseascochea de Cortina, y á Don Simon Mussina, demandado.

A D. José Samora, D. Marcos Gomez, D. Ciprio Mungina, D. Francisco Cautu y D. Romaldo Guerra.

La segunda pregunta: ¿Que edad tiene V. desde quando vivia V. cerca del Rio Grande y en que lugar?

Le tercera pregunta: ¿Conocen Vds. ó no á D. José Salvador de la Garza personalmente? Cuanto tiempo lo conocia V., y que comodidades tenia V., para conocerlo?

La cuarta pregunta: ¿Era rico ó no D. José Salvador de la Garza? Como era respetado y estimado en el pais? Cuando fijó su residencia sobre las orillas del Rio Grande, y en que lugar?

La Quinta pregunta: Quien era su esposa del dicho D. José Salvador de la Garza? Quienes eran sus hijos? Cuanto tiempo estaba casado ante su muerte?

La sesta pregunta: Conocen Vds. un terreno sobre la orilla ízquierda del Rio Grande? Conocida con el nombre de Potrero

ó Agostadero del Espiritu Santo. Si es asi, desde cuando la conoce V. bajo ese nombre?

La septima pregunta: En donde es el dicho terreno? Por que se llama ello un "Potrero?"

La octava pregunta: ¿Quien primero describio el dicho terreno y usó de ello? Quien era conocido per el dueño de ello, cuando la conocio V. la primera Vez.?

La Novena pregunta: Tiene V. presente alguna controversia D. José Salvador de la Garza con D. José Narciso Cavazos, to cante al dicho terreno. ¿Si es asi? que era la causa y como se concluyó ella?

La decima pregunta: ¿Cuantas cabezas de ganado mayor y menor, cavallos etc: tenia D. José Salvador de la Garza y sus herederos en el dicho terreno, y como se llamaban segun su conocimiento y memoria de V.

La undecima pregunta: ¿Conocian Vds. personalmente á D. Blas Maria de la Garza? Si es asi, de quien fué hijo? Con quien se casó? Tenia el algunos hijos mas que vivian al tiempo de su muerte?

La duodecima pregunta: ¿En donde murió D. Blas Maria de la Garza? como fué respetado y estimado en el pais?

La decima tercera pregunta: ¿Conocia V. personalmente á Doña Francisca Cavazos? Si es asi cuanto tiempo vivió ella despues de la muerte de D. Blas Maria de la Garza, vivió ella ó no despues de la muerte del dicho D. Blas, en el dicho terreno y si es asi en cual parage?

La decima cuarta pregunta: Conocian Vds. ó no á la Señora D. Maria Ygnacia Cavazos? Si es asi, en donde vivia ella antes de la muerte de la dicha Doña Francisca? Con quien se casó ella Doña Ignacia? y que hijos tenia ella?

La decima quinta pregunta: Declare segun su conocimiento de V. los nombres de las personas que han tenido posesion del Agostadero del Espiritu Santo hasta ahora?

A D. Manuel de la Niña y D. George Cavazos.

La decima sesta pregunta: Miren Vds. el papel escrito marcado F. ahora presentado á Vds., proponiendo ser copia del testamento de D. Blas Maria de la Garza y que ha de ser agregado á su deposicion en la otra causa en la chancilleria entre los mismos demandadores y otros demandados. Es vivo ó muerto D. J. Antonio Leal de Leon cuya firma esta al pié del dicho papel? Que officio publico tenia el al tiempo de firmando del dicho papel. Es ó no es la firma proponiendo ser la suya la propia y verdadera firma del dicho D. Antonio?

La decima septima pregunta: [á Don Manuel de la Niña Solo.] ¿Es ó no la firma al fin del dicho documento proponiendo ser la suya, su propia firma de V.? ¿Si es asi, es ó no es el dicho documento una copia fiel y legalmente sacado del original?

La decima octava pregunta: ¿ Conocia V. ó no á Doña Francisca Cavazos y á Doña Maria Ignacia Cavazos? Si es asi que parentesco tenian ellas?

La decima novena pregunta: De cual terreno sobre la orilla ízquierda del Rio Grande tenia Doña Francisca Cavazos su parte como dueña? que distancia habra de Matamoras á la parte del dicho terreno comprada por Doña Francisca?

La vigesima pregunta: ¿ Tiene V. presente una contraversia entre de Ayuntamiento de Matamoras con Doña Francisca Cavazos to cante la parte del dicho terreno enfrente de Matamoras? Si es asi, que era la causa de la dicha contraversia? Reconocio en cualquier manera Doña Francisca las pretenciones del Ayuntamiento ser justas ó fundadas en derecho?

A Don Blas Maria Cavazos, D. Guadalupe Cavazos y Don Rafael Aleman.

La vigesima primera pregunta: Miren Vds. el papel escrito marcado FF., ahora exhibido a V. y proponiendo ser copia del Testamento de D. Blas Maria de la Garza y que ha de ser agregado á su deposicion de V. en la otra causa en la chancilleria entre los mismos demandadores y otros demandados. ¿ Es ó no es la firma al fin del dicho papel proponiendo ser la suya, su firma de hecho. ¿ Es ó no es el dicho papel escrito una copia fiel y legalmente translada del dicho Testamento. Que oficio publico tenia D. Blas Maria Cavazos al tiempo firmando este papel y en virtud de que oficio ó autroidad firmo el dicho documento?

A Presbo. D. Antonio de la Garza Rodriguez.

La vigesima segunda pregunta: Mire V. el papel escrito ahora presentado á V. marcado XX. y proponiendo ser la copia de la partida de los libros de la Parroqiua de Reynosa del Casimientó de D. Rafael Garcia Cavazos y Doña Maria Josefa Cavazos y que ha de ser agregado á su deposicion en la otra causa en la chancilleria entre los mismos demandadores y otros demandados. ¿ Es ó no es la firma al fin del dicho papel, su propia firma de V. ¿ Es ó no es el dicho papel escrito una copia de la dicha partida fiel y legalmente translada del archivo de su cargo de V. como cura de la Villa y jurisdiccion de Reynosa?

[A todos.]

La vigesima tercera y ultima pregunta: ¿ Saben Vds. algo mas que sea de provecho ó benificio á los demandadores ó al demandado, que sea de importancia en esta su examinacion? Si es asi? declara lo á la larga, en su contestacion.

ALLEN Y HALE,
Abogados *pro* Demandantes.

And on the same day and year a Letter Rogatory—with interrogatories accompanying to D. Bartola Trevino and others, was issued herein as follows, to wit:

Letter Rogatory—D^n. Bartolo Trevino et al.

UNITED STATES OF AMERICA,
District of Texas.

The President of the United States of America, to any Judge or Tribunal having jurisdiction of civil causes, in the city of Matamoras, or in the State of Tamaulipas in the United Mexican States, Greeting:

Whereas, a certain suit is pending in our District Court, for the District of Texas, in which Rafael Garcia Cavazos, Maria Josefa Cavazos, his wife, and Estefana Goseascochea de Cortina are plaintiffs, and Simon Mussina is defendant; and it has been suggested to us that there are witnesses residing within your jurisdiction, without whose testimony justice cannot be completely done between the parties.

We therefore request you, that in furtherance of Justice, you will by the proper and usual process of your Court, cause such witness or witnesses as shall be named to you on the part of the said plaintiffs, to appear before you, or some competent person by you for that purpose appointed and authorized, at a precise time and place, by you to be fixed, then and there, to answer on their oaths to the several interrogatories and cross interrogatories hereunto annexed, and that you will cause their depositions to be committed to writing, and delivered without delay, duly closed and sealed up, together with the said interrogatories and these presents, to the person who may present this letter, in order that he may bring them to our said Court, and we shall always be ready and willing to do the same for you in a similar case when required.

Witness the Honorable John C. Watrous, Judge of the District Court of the United States of America, for the District of Texas, at the city of Galveston, on the twenty-third day of February, in the year one thousand eight hundred and fifty.

[SEAL.]

JAMES LOVE, *Clerk.*

EN LOS ESTADOS UNIDOS DE AMERICA,
Distrito de Texas.

El Presidente de los Estados Unidos de America a cualquiera Juez ó Tribunal teniendo jurisdicion en causas civiles en la Villa de Matamoras, y en el Estado de Tamaulipas, en los Estados Unidos Mexicanos: Salud:

Mediante que se siguen autos en nuestra corte de Distrito para el Distrito de Texas á instancia de los Señores Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, su esposa, y Doña Estefana Goseascochea de Cortina, demandadores, contrá Don Simon Mussina, demandado, y hemos sido informados que en la jurisdicion de V. hay algunos testigos sin cuyas deposiciones, la justicia no pueda ser enteramente administrada entre las dichas partes.

En esta atencion, rogamos á V. in subsidio juris, y por el por-

ceso usual de su Tribunal que mande citar tal testigo o testigos, cuyos nombres se han de dar por la parte de los dicho dmandadores, a comparacer ante V. ú otra persona competente, autorizada por V. por ese objeto, en un lugar y tiempo determinado por V. y alli á responder ábajo juramento á los varias preguntas y re-preguntas del interrogatorio inserto: y V. se servira désponer que los dichos de tal testigo á testigos, seran tomados por escrito, y evacuadas las deposiciones mandar entregar originales con el interrogatorio, ábajo cubierta, serradas y selladas, á la persona que presente esta Requisitoria, para que las traiga ante nuestra corte: y nostros corresponderemos en iguales terminos siempre que á nos presenten las suyas.

Fecha en la ciudad de Galveston, en los veinte y tres del mes de Febrero, y el año de mil ochocientos, y cincuenta. El Honorable John C. Watrous, Juez de la Corte de Distrito de los Estados Unidos de America, para el Distrito de Texas.

Por el Secretario.

[SEAL.] JAMES LOVE, *Clerk.*

Certifico en toda forma de derecho, que el antecedente documento, cuyo original se acompaña esta fielmente traducido del idioma Yngles.

[SEAL.] *Secretario.*

JAMES LOVE, *Clerk.*

DISTRICT COURT OF THE UNITED STATES, *District of Texas.*

RAFAEL GARCIA CAVAZOS *et al.* *v.* SIMON MUSSINA.

Interrogatories to be propounded to Demasio Cautu, Juan Cautu, Juan Treviño, Tomas Guerra, Domingo Guerra, Bartolo Treviño, Calisla Portilla, Juan Portilla, Bernardo Flores, Marcos Galindo, Victoriano Lopez, Manuel Lopes Quinta de Juajosa, Juan Langoria y Serva, Matias Garcia, Ignacio Cesares and Juan Prado, witnesses to be produced, sworn and examined before the Judge or Tribunal of the city of Matamoras, in the State of Tamaulipas, acting under the Letter Rogatory issued by the District Court of the United States of America for the District of Texas, on the part of the plaintiffs.

Interrogatory First [to all].—Do you know the plaintiffs, D. Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, his wife, and Doña Estefana Goseascochea de Cortina, and the defendant, Simon Mussina?

Interrogatory Second [to all].—What is your age? Where do you reside? How long have you lived upon or near the Rio Grande?

To Bartolo Treviño, Calixto Portilla, Juan Portilla, and Bernardino Flores:

Interrogatory Third.—Do you know a tract of land on the left side of the Rio Grande, and known as the Potrero or Agostadero del Espiritu Santo? If so, does, or does not, the land opposite to Matamoras, and for two leagues up and down from the present town site of the town of Brownsville, lie within the said tract of land?

Interrogatory Fourth.—Were you, or not, acquainted with D. Blas Maria de la Garza? If so, did, or did not, he ever occupy the said land and keep his cattle thereon, and how many cattle, or other stock?

Interrogatory Fifth.—Where did the said Don Blas Maria de la Garza, either according to your personal knowledge or to general reputation and tradition, erect and place his cattle-pens and haeals? At what rancho did he generally remain on the said land? How far was this rancho from the present town site of Brownsville, and in what direction?

Interrogatory Sixth.—How long is it since Doña Francisca Cavazos, wife of the said Don Blas Maria de la Garza died. Did, or did not, she reside upon the said tract of land after the death of her said husband? And at what place?

Interrogatory Seventh.—Where is the rancho now occupied by the peones of D. Rafael Garcia Cavazos? Where is the land upon the Rio Grande cultivated and used by him? How far are both from the present site of Brownsville?

Interrogatory Eighth.—Where is the rancho of Doña Estefana Goseascochea? What other ranchos on the said tract of land are held by her or by her children? Was she or not living on the said tract of land in December, 1848?

To Marcos Galindo:

Interrogatory Ninth—Did you, or not, act as assisting witness for D. Nepomuceno Molano when he was First Alcalde of the Ayuntamiento of Matamoras? If so, do you or not, recollect a copy then made by order of the said Alcalde, of a Testimonio of Title granted to D. José Salvador de la Garza, for the Agostadero del Espiritu Santo, which copy was so made at the request of D. Juan Tijerina?

Interrogatory Tenth.—Do you recollect who presented the original Testimonio of Title issued to D. José Salvador de la Garza, to the said Alcalde in order that it might be copied? Who was it? Was he then married?

Interrogatory Eleventh.—What was then the appearance of the said Testimonio of Title? Did it or not bear marks of age? And if so, what marks?

To Victoriano Lopez, Manuel Lopez, Quenito de Quejosa, Juan Longoria y Serva:

Interrogatory Twelfth.—Were you personally acquainted with D. José Salvador de la Garza? If so, where was his principal landed estate? What was it named?

Interrogatory Thirteenth.—What opportunities or facilities did you have for knowing D. José Salvador de la Garza, and how long were you acquainted with him?

Interrogatory Fourteenth.—How was D. Salvador de la Garza respected and esteemed in the country? Was he or not a man of wealth and importance? What do you know, showing that he was or was not so?

Interrogatory Fifteenth.—Where did he have his principal rancho? What was it called? What is it now called? How far is it from the present town site of Brownsville?

Interrogatory Sixteenth.—What buildings, haeteles, cattle-pens, fences, etc., did the said D. José Salvador de la Garza erect near this rancho? How many cattle, horses, mules, sheep, etc., did he have, and where did he keep them?

Interrogatory Seventeenth.—Do you know a tract of land on the left bank of the Rio Grande, known by the name of El Potrero or Agostadero del Espiritu Santo? If so, where is it situated? How is it bounded on the north, south and west? Who first discovered and made use of it? To whom was it granted?

Interrogatory Eighteenth.—What ranchos were placed or built on this tract of land, and by whom? Where was the Rancho of San Juan del Retiro situated? Where was the Rancho de los Indios? Where was Mesquito, Jarretada, Paso Viejo, San José, Palo Alto?

Interrogation Nineteenth.—Who occupied and possessed this tract of land after the death of D. José Salvador de la Garza? Who occupied and possessed it after the death of his children?

Interrogatory Twentieth.—Were you personally acquainted with Don Blas Maria de la Garza, Doña Margarita de la Garza, and Doña Javiera or Xaviera de la Garza? If so, whom did they marry, and what children did they have?

Interrogatory Twenty-first.—Where does Doña Estefana Goseascochea reside? Is, or is not, her rancho on the said tract of land? Did she, or not, reside there in the month of December, 1848, and before?

To Matias Garcia, Ignacio Cesares Juan Longario y Serva:

Interrogatory Twenty-second.—Do you or not recollect ever to have seen the old Testimonio of Title for the Agostadero del Espiritu Santo, granted to D. José Salvador de la Garza? If so, when did you see it? In whose hands, and what was its appearance?

Interrogatory Twenty-third.—Do you recollect having been

present at a survey made on the Agostadero del Espiritu Santo in 1827 or 1828, for Rafael Garcia, Manuel de la Garza and Ignacio Treviño? If so, did or did not, Matias Garcia require that the old Testimonio of Title should be presented to him, as Alcalde? Who presented it? To whom was it returned?

Interrogatory Twenty-fourth.—Who has had possession of this Testimonio of Title since that time?

To Juan Prado:

Interrogatory Twenty-fifth.—Look at the document now exhibited to you, marked D. and purporting to be an order made by you on March 7th, 1836? And to be annexed to your deposition in the cause in chancery between the same parties as plaintiffs, and others as defendants? Is the signature at the end thereof, purporting to be yours, yours in fact? And is the other signature the genuine signature of Pedro Pablo Palaez? What office did you and the said Palaez hold at that time?

To Demesio Cautu, Juan Cautu, Juan Treviño, Tomas Guerra, and Domingo Guerra:

Interrogatory Twenty-sixth.—Are you acquainted with the tract of land on the left bank of the Rio Grande, known as the Potrero or Agostadero del Espiritu Santo? If so, who, according to general reputation and tradition, first discovered it, and to whom was it first granted?

Interrogatory Twenty-seventh.—Is there or not a dense thicket on the said tract of land above the rancho or town site called Santa Rita? If so, how far does it extend between the Arroyo Colorado and the Rio Grande, and in what direction? How far did it extend in former times?

Interrogatory Twenty-eighth.—Can, or cannot, any horses pass through this thicket easily? Where is the place called the "Puerta?" Why is it so called? Who, according to general reputation and tradition, made it? Was there, or not, in former times, a fence in that place?

Interrogatory Twenty-ninth.—Who have had possession of the upper part of said tract of land adjoining this thicket, according to your knowledge and recollection? Who have possession of it now?

Interrogatory Thirtieth and Last.—Do you know anything else which may be a benefit or advantage to the parties in this cause, or material to this, your examination? If yea, set it forth fully, and at large in your answer.

ALLEN & HALE,
Attorneys for Plaintiffs.

EN LA CORTE DE DISTRITO DE LOS ESTADOS UNIDOS,
Ditsrito de Texas.

RAFAEL GARCIA CAVAZOS *y otras,*
contra
SIMON MUSSINA.

Interrogatorio de preguntas que han de ser propositas á D Demesio Cautu, D. Juan Cautu, D. Juan Treviño, D. Thomas Guerra, D. Domingo Guerra, D. Bartolo Treviño, D. Calixto Portilla, D. Bernardino Flores, D. Marcos Galindo, D. Victoriano Lopez, D. Manuel Lopez, D. Quinte de Inojosa, D. Juan Lengoria y Serna, D. Matias Garcia, D. Ignacia Cesares y D. Juan Prado, testigos que puedan ser producidos jurados y examinados ante el Juez o Tribunal de la ciudad de Matamoras, y Estado de Tamaulipas, haciendo de tal bajo la Carta Rogatorio expedida por la Corte de Distrito de los Estados Unidos de America para el Distrito de Texas, en la pleito arriba mencionado por parte de los dichos demandadores.

La primera pregunta. [A todos.] Conocen Vds á los demandadores D. Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, su esposa, y Doña Estefana Goseascochea de Cortina y el demandado Don Simon Mussina?

La segunda pregunta. [A todos.] Que edad tienen Vds? ¿En donde viven? ¿Cuanto tiempo han vivido Vds sobre o cerca del Rio Grande?

A D. Bartolo Treviño, D. Calixto Portilla, D. Juan Portilla, y D. Bernardino Flores.

La tercera pregunta. Conocen Vds un terreno sobre la orilla izquierda del Rio Grande y conocido con el nombre de Potrero ó Agostadero del Espiritu Santo? ¿Si es asi, comprehende ó no el dicho terreno el trecho en frente de Matamoras y a dos leguas arriba y abajo del sitio del Pueblo de Brownsville?

La cuarta pregunta. ¿Conocian Vds ó no á D. Blas Maria de la Garza? Si es asi, tenia ó no el dicho Don Blas posecion del dicho terreno? Y pastorea o no su ganado mayor y menor adentro del nismo? Y cuantas cabezas de ganado mayor y menor tenia?

La quinta pregunta. ¿En que parage en dicho terreno segun reputacion general y tradicion construyo el dicho D. Blas sus corrales y hacales? En cual rancho en el dicho terreno vivio él generalmente? Que distancia habra este Rancho del sitio del Pueblo de Brownsville? y a que rumbo?

La sesta pregunta. ¿Cuanto tiempe hay desde de la muerte de Doña Francisca Cavazos, esposa del dicho D. Blas Maria de la Garza? Vivia ella ó no en el dicho terreno despues de la muerte de su esposo? y en que parage?

La septima pregunta. ¿En que parage esta el rancho ahora ocupado por los peones de Don Rafael Garcia Cavazos? En

donde esta el labor cultivado por él? Que distancia habra el uno y el otro del sitio del Pueblo de Brownsville.

La octava pregunta. ¿ En que parage esta el Rancho de Doña Estefana Goseascochea? Que ranchos ademas en el dicho terreno tiene ella ó sus hijos? Vivia ella en el dicho terreno en mes de Diciembre de 1848, ó no?

A Don Marcos Galindo:

La nona pregunta. Estaba V ó no testigo de asistencia de D. Juan Nepomuceno Malano, al tiempo el dicho Señor estaba Alcalde primera del Ayuntamiente de Matamoras? Si es asi, se acuerda V de una copia hecha por orden del dicho alcalde de Testimonio de Titulo espedido á D. José Salvador de la Garza del Agostadero del Espiritu Santo la cual copia era traslada segun la peticion de D. Juan Tipernia.

La decima pregunta. ¿Se acuerda V quien presento el original Testimonio espedido el dicho D. Jose Salvador de la Garza al dicho alcalde para copiarlo? Quien era? Quien estaba su esposa?

La undecima pregunta. ¿ Que era entonees la vista ò apariencia del dicho terreno? Tenia ello ó no idicios de antigüedad y si es asi cuales indicios?

A D. Victoriano Lopez, D. Manuel Lopez, D. Quinte de Inajosa y D. Juan Longoria y Serna:

La duodecima pregunta. ¿ Conocian Vds ó no á D. José Salvador de la Garza? Si es asi en donde estaba su hacienda principal y bajo cual nombre era conocida ella?

La decima tercera pregunta. ¿ Que oportunidad ó comodidad tenia V para conocer á Don José Salvador de la Garza y cuanto tiempo le conocio V?

La decima cuarta pregunta. ¿ Como era respetado y estimado en el pais D. José Salvador de la Garza? ¿ Es rico ó no? Y era o no hombre de importancia y consideracion? Declara lo todo que conocia V?

La decima quinta pregunta. ¿ En donde estaba su rancho principal? ¿ Camo se llamaha entonces? Como se llama ahora él dicho Rancho? Cuantas leguas hay del pueblo de Brewnsville al dicho Rancho?

La decima sesta pregunta. Que casas hacales, corrales, cercas, etc., construyó el dicho D. José Salvador de la Garza cerca de este rancho? Cuantas Cabezas de ganada mayor y menor tenia él y en donde?

La decima septima pregunta. ¿ Conocia V un terreno sobre la orilla izquierda del Rio Grande que se llama El Potrero ó Agostadero del Espiritu Santo? ¿ Si es asi, en donde esta el dicho terreno Que son sus linderos al Norte, Sur, Poniente. Quien primero lo describrio y goso de ello? A quien era mercedado?

La decima octavo pregunta. Que ranchos se pusieron ó estab-

lecieron en el dicho terreno despues de la muerte de D. José Salvador de la Garza? Quienes tenian pesecion del mismo despues de la muerte de sus dijos?

La Vigesima Pregunta: Conocian Vds personalmente á Don Blas Maria de la Garza, Doña Margarita de la Garza y Doña Javiera ó Xaviera de la Garza? Si es asi, con quien se casó cado uno, y que hijos tenian?

La Vigesima-primera Pregunta: En donde vive Doña Estefana Goseascochea? Es ó no es el rancho de la dicho Señora en el terreno ante dicho, vivia ella ó no alli en el mes de Diciembre de 1848?

A Don Matias Garcia, D. Ignacio Cesares y Juan Lengoria y Serna.

La Vigesima-segunda Pregunta: Se acuerden Vds ó no haber visto en cualquier tiempo el viejo testimonio de titulo del Agostadero del Espiritu Santo mercedado á D. José Salvador de la Garza? Si es asi cuando la vio V.? En los manos de quien? y cual era la vista ó aperencia de ello?

La Vigesima-tercera Pregunta: Se acuerde V, de hallarse á la mensura que se hiso en el Agostadero del Espiritu Santo en los años de 1827 ó 1828, para D. Rafael Garcia, D. Manuel de la Garza y D. Ignacio Treviño? Si es asi mandó ó no el dicho D. Matias Garcia en virtud de su auteridad como Alcalde que se presentara el dicho testimonio á él? Quien la presento? A quien se devolvio?

La Vigesima-cuarta Pregunta: Quien ha tenido el dicho Testimonio despues?

A Don Juan Prado.

La Vigesima-quinta Pregunta: Mire V. este documento ahora presentado á V. marcado D. y proponiendo ser una orden de V. de fecho de marzo de 1836, y que ha de ser agregado á su deposicion en la otro causa en la Chancilleria entre los mismos demandadores, y otros como demandados? Es ó no, es la firma al fin proponiendo ser la suya, su firma de hecho? Y es la otra firma la verdadera firma de D. Pedro Pablo Palaez? Que oficios ó empleos publicos tenia V. y el dicho Señor Palaez, entonces?

A Demezario Cautu, D. Juan Cautu, D. Juan Treviño, D. Tomas, Guerra y D. Domingo Guerra.

La Vigesima-sesta Pregunta: Conoce V. un terreno sobre la orilla ózquierda del Rio Grande conocido con el nombre de Potrero ó Agostadero del Espiritu Santo? Si es asi, quien primero segun reputacion general y tradicion lo describio y á quien era ello mercedado?

La Vigesima-septima Pregunta: Se halla ó no un monte espeso en el dicho terreno, mas arriba del rancho ó sitio de pueblo que se llama Santa Rita? Si es asi, a que distancia del Arroyo

Colorado hacia el Rio Grande llega este monte y en que rumbo? A que distanciá mas se estendia en tiempos pasados.

La Vigesima-octava Pregunta: Pueden ò no los Cavallos, vacas, fecilmente traspasar este monte? En donde esta el parage que se llama "La Puerta," Por que se llama con este nombre? Quien segun reputacion general y tradicion hiso esta puerta? Estaba ó no en tiempos pasados, una cerca en este parage?

La Vigesima-nona Pregunta: Quienes segun su conocimente y memoria, han peseido y tenido la parte del dicho terreno inmediatamente abajo del dicho monte? Quienes tienen posecion de ella 'ahora?'

A todos.

La Trigesima y Ultima Pregunta: Saben Vds algo mas que sea de provecho ò benificio a los demandadores y al demandado y en esta su examinacion: Si es asi, declara lo a la larga en su contestacion?

ALLEN Y HALE,
Abagados per Demandados.

And afterwards, to wit: on the sixteenth day of April, of the same year, the Court here made an order in this cause, which is in the words and figures following, to wit:

Order of Court.

RAFAEL GARCIA CAVAZOS, *vs.* SIMON MUSSINA, } Continued.

And afterwards, to wit: on the sixth day of May, of the same year, the Court here made an order in this cause, which is in the words and figures following, to wit:

Order of Court.

RAFAEL GARCIA CAVAZOS, *vs.* SIMON MUSSINA. } Continued.

And afterwards, to wit: on the fourth day of June, of the same year, an affidavit was filed herein, which is in the words and figures following, to wit:

Affidavit.

DISTRICT COURT OF THE UNITED STATES, *District of Texas,* } April Term, 1850.

RAFAEL GARCIA CAVAZOS et al., *v.* SIMON MUSSINA, }

I, William G. Hale, make oath and say that I received the

packages, marked C Y, and herewith filed, from the hands of D. Manuel de la Niña, First Alcalde and ex-officio Judge of the First Justance of the town of Reynosa; the packages, marked D. W., from the hands of the First Alcalde and ex-officio Judge of the First Justance of the town of Camargo; the packages, marked E. V., F. U., G. T., from the hands of the Secretary, or Clerk, of D. Pedro de la Garza, First Alcalde and ex-officio Judge of the First Justance of the city of Matamoras; and the package, marked H. S., from the hands of A. C. Allen, U. S. Commissioner for this District; and that the said packages, then closed and sealed, have remained in my possession unopened and unaltered up to the time of filing the same.

WILLIAM G. HALE.

Subscribed and sworn before me, June 4th, 1850,

JAMES LOVE, *Clerk.*

And afterwards, to wit: on the same day and year, an affidavit was filed herein, which is in the words and figures following, to wit:

Affidavit.

DISTRICT COURT OF THE UNITED STATES, *District of Texas.* } May Term, 1850.

RAFAEL GARCIA CAVAZOS and others, *vs.* SIMON MUSSINA.

I, William G. Hale, make oath and say, that I received the package, marked A. X., from the hands of the Notary Public, acting as Secretary to the Second Alcalde and ex-officio Judge of the First Justance in the city of Victoria, and State of Tamaulipas; and the package, marked N. M., from the Secretary of the Judge of the First Justance in the city of Matamoras; and the package, marked B. Z., from the First Alcalde of the town of Camargo and ex-officio Judge of the First Justance therein; and that the said package have remained in my possession, unopened and unaltered, up to the time of filing the same; and, also, that the sheet of stamped paper, attached to the last-mentioned package, was purchased of the Administrator of Tobacco and Stamped Paper, in the city of Matamoras, for the purpose of replacing the sheet of common paper, used in taking the deposition contained in said package, by direction of the officer taking the same.

WILLIAM G. HALE.

Subscribed and sworn to before me, June 4th, 1850,

JAMES LOVE, *Clerk.*

And afterwards, to wit: on the twenty-third day of October, of the same year, a subpœna for a witness was issued herein, which is in the words following, to wit:

Subpœna.

UNITED STATES OF AMERICA, }
District of Texas. }

The President of the United States of America to the Marshal, or any of his lawful deputies, greeting:

You are hereby commanded to summon Elisha Basse and Robert H. Hard, if they be found in your District, to be and appear before the Honorable the District Court of the United States for the District of Texas, at the city of Galveston, on the first Monday of December next, and to bring with them the testimonio of title to the tract of land known as Conception de Carrecitos, and to the tract of land surrounding the Sal del Rey. Then and there to give evidence on the part of plaintiffs in a suit now depending in said Court, wherein Rafael Garcia Cavazos et als. are plaintiffs, and Simon Mussina is defendant.

Witness the Honorable John C. Watrous, Judge of said Court, and seal of said Court, at the city of Galveston, this 23d day of October, A. D. 1850, and of the Independence of the United States, the 75th year.

[L. S.] JAMES LOVE, *Clerk.*

And thereupon endorsed is the return of the Marshal, in the words following, to wit:

Marshal's Return.

Received October 24th, 1850, and executed on the twenty-sixth day of October, 1850, by serving the within named Robert H. Hard with a true copy of this subpœna, and exhibiting to him the original.

J. BATES, *U. S. Marshal,*
by J. B. BATES, *Dep. Marshal.*

And afterwards, to wit, on the fourteenth day of November, of the same year, an agreement was filed herein, which is in the words and figures following, to wit:

Agreement.

DISTRICT COURT OF THE UNITED STATES, } December Term, 1850.
District of Texas, }

RAFAEL GARCIA CAVAZOS, *et als.,* }
v. }
SIMON MUSSINA. }

The parties in the above entitled suit, by their attorneys, agree that the depositions in this cause may be opened by the Deputy Clerk, George B. Junes, as if an order had been made by the Court to that effect.

ALLEN & HALE, *Attorneys for Plaintiffs.*
JOHNSON & SWETT, *Counsel for Defendants.*

And afterwards, to wit, on the ninth day of December, of the

same year, the Court here made an order in this cause, which is in the words and figures following, to wit:

Order of Court.

RAFAEL GARCIA CAVAZOS
v.
S. MUSSINA.

By agreement of parties, it is ordered that this cause be continued until the May Term of this Court.

And afterwards, to wit, on the fourteenth (14) day of December, of the same year, a motion was filed herein, which is in the words and figures following, to wit:

Motion.

DISTRICT COURT OF THE UNITED STATES,
District of Texas.

RAFAEL GARCIA CAVAZOS,
v.
SIMON MUSSINA.

The plaintiffs in the above entitled cause, by their attorneys, move the Court upon the affidavit of W. G. Hale, and other papers to be referred to on the hearing of this motion, to order that he have leave to renounce the execution of the order of survey heretofore made in the said cause upon their part, and to enter such their renunciation on the records of the Court.

ALLEN & HALE,
Attorneys for Plaintiffs.

And afterwards, to wit, on the same day and year, an affidavit was filed herein, which is in the words and figures following, to wit:

Affidavit.

DISTRICT COURT OF THE UNITED STATES,
District of Texas. } December Term, 1859.

RAFAEL GARCIA CAVAZOS, *et als.*,
v.
SIMON MUSSINA.

William G. Hale, attorney in the above entitled cause for the plaintiffs therein, makes oath and says, that sometime after the order of survey heretofore made in the said cause, upon information not before had, and a careful consideration of the points at issue in this cause, and the great expense attending the making of such survey as ordered, it was judged best by this deponent and Juan Treanor, the attorney in fact of the said plaintiffs, not to have the said survey made upon their part, and accordingly some time in the latter part of the month of October, 1849, the

precise day the deponent cannot now recollect, this deponent stated to Ovid F. Johnson, Esq., attorney in the said cause for the defendant therein, in the town of Brownsville, and in answer to an enquiry to that effect made by said Johnson, that the said plaintiffs did not intend to have the said survey made, on account of the expense, and because they did not then think it of material importance, but that he, the said Johnson, might have it made, if he chose. And deponent has always thought it was so understood by the attorneys for said defendant, until about the commencement of this term, Joseph A. Swett, Esq., one of said attorneys, mentioned to this deponent that the cause would have to be continued for want of the execution of the said survey; upon which deponent stated to said Swett what is above set forth, and afterwards agreed with F. H. Merriman, Esq., acting for the said Swett during his temporary absence, that the said cause might be continued upon the defendant waiving the execution of such survey on the part of the plaintiffs, and agreeing not to make the want of a survey the ground for a future continuance; which arrangement was assented to by said Merriman, and the continuance had upon this agreement, which was not reduced to writing, and signed, owing to the temporary absence of said Swett.

WILLIAM G. HALE.

Subscribed and sworn to in open Court, Dec. 14, 1850.

JAMES LOVE, *Clerk.*

And afterwards, to wit, on the sixteenth day of December, of the same year, an agreement was filed herein, which is in the words and figures following, to wit:

Agreement.

DISTRICT COURT OF THE UNITED STATES, *District of Texas.*

RAFAEL GARCIA CAVAZOS, *et al.*, *v.* SIMON MUSSINA.

It is hereby admitted by the parties that the continuance granted at this Term, was assented to by the Plaintiffs, on the understanding that the defendant should waive the necessity of the execution of the survey heretofore ordered on the part of the plaintiffs, and should not make the want of said survey in this cause, a ground of an application for another continuance, and it is agreed that this cause may either be tried at this term, or at a day to be fixed between the 5th and the 30th of January next, to be fixed by the defendant, or at any time before the 20th of this month, or may be tried at the next term at the option of the defendant.

December 12th, 1850. S. MUSSINA.

ALLEN & HALE,
Atty's for Pl'ffs.

And afterwards, to wit, on the twenty-third day of December,

of the same year, an affidavit of Wm. G. Hale, Esq., was filed herein, which is as follows, to wit:

Affidavit of W. G. Hale.

DISTRICT COURT OF THE UNITED STATES,
District of Texas,

RAFAEL GARCIA CAVAZOS, *et al.*,
v.
SIMON MUSSINA.

To Simon Mussina, defendant:

Sir—Please to take notice that the plaintiffs in the above entitled cause do not intend to have any survey made under the order heretofore made in this cause; and that if you desire a survey of any land or lines, whether under that order or any one to be subsequently obtained by you, you must cause it to be made yourself.

ALLEN & HALE,
Atty's for Pl'ffs.

I, William G. Hale, attorney of the plaintiffs, in the above entitled cause, make oath and say, that I gave a true notice to Simon Mussina, defendant, on Saturday, the 14th of December, 1850.

WM. G. HALE.

Subscribed and sworn to, before me, 23d December, 1850.

JAMES LOVE, *Clerk.*

And afterwards, Court on the nineteenth day of May, of the year of our Lord, one thousand eight hundred and fifty-one, the Court here made an order in this cause, which is in the words and figures following, that is to say:

Order of Court.

RAFAEL GARCIA CAVAZOS,
vs.
SIMON MUSSINA.

On motion of defendant it is ordered that this cause be continued on an affidavit of defendant.

And afterwards, to wit, on the thirty-first day of May, of the same year, an affidavit of notice was filed herein, which is as follows, that is to say:

Affidavit of Notice.

DISTRICT COURT OF THE UNITED STATES,
District of Texas.
May Term, 1851.

RAFAEL GARCIA CAVAZOS, *et al.*,
vs.
SIMON MUSSINA.

I, William G. Hale, one of the attorneys of the plaintiffs, in the

above entitled cause, being duly sworn, depose and say, that on the ninth day of February, A. D., 1850, and after filing the sets of interrogatories marked, filed of that day, I called at the residence of Joseph A. Swett, Esq., one of the attorneys of the defendant, and informed him that I had filed the interrogatories, and that he could cross-examine if he thought fit.

WM. G. HALE.

Sworn to and subscribed before me, this 31st May, A. D., 1851.

JOHN S. JONES,
U. S. Commissioner.

And afterwards, to wit, upon the same day and year the affidavit of Charles Rossignol was filed herein, and is in the words and figures following, to wit:

Affidavit of Chas. Rossignol.

DISTRICT COURT OF THE UNITED STATES, *District of Texas.* } May Term, 1851.

RAFAEL GARCIA CAVAZOS, *et al.*,
vs.
SIMON MUSSINA.

I, Charles Rossignol, being duly sworn, do depose and say, that I am acquainted with the Spanish language, and have at different times been employed to make translations of the same into English: that I have examined the several translations now on file in the above entitled cause, and some which are also entitled in the cause in chancery, between Rafael Garcia Cavazos and others, and Charles Stillman and others, which are specified in the list hereunto annexed, and I have compared them carefully with the original papers, of which they purport to be translations, and have made some slight corrections in them: and I do further say, that the said translations are as they now stand, faithful and correct translations from the said originals, and correctly represent the meaning thereof. The following is the list hereinbefore referred to.

1. Translations of the depositions of D. Victoriano Lopez and others.
2. Translation of the deposition of D. Santiago Dominguez.
3. Translation of the deposition of D. José Maria Rodriguez.
4. Translation of the depositious of D. Nicolas Garcia Garza and others.
5. Translation of the depositions of D. Romualdo Guerra and others.
6. Translation of the depositions of D. Juan Nepomuceno Molano and others.
7. Translation of the deposition of D. Faustino Balboa.
8. Translation of the deposition of D. Joaqüin Arguelles.

Translations entitled in both causes above named.

Translation of the testament of Doña Maria Gertrudi de la Garza Falcón.

Translation of the testament of D. Blas Maria de la Garza.

Translation of the testament af Doña Maria Francisca Cavazos.

Translation of the act of partition, marked B.

Translation of the parts of the constitution of the State of Tamaulipas, marked N. O.

Translation of O'Docharty's field notes.

Translation of the testament of title and of the copy, marked L.

Translation of the paper, marked D.

Translation of the colonization law of the State of Tamaulipas, marked P., as it appears in the collection of the laws and decrees of Coahuila and Texas.

CHAS. ROSSIGNOL.

UNITED STATES OF AMERICA
District of Texas. } To wit:

On this the 29th day of May. A. D. 1851, personally appeared before me the undersigned, Charles Rossignol: to me known, who having been by me duly sworn, did depose and say, that the statements in the foregoing affidavit contained are true.

JOHN S. JONES, *U. S. Commissioner.*

And afterwards, to wit, on the second day of January, of the year of our Lord one thousand eight hundred and fifty-four, the court here made an order in this cause, which is in the words following, that is to say:

Order of Court.

RAFAEL GARCIA CAVAZOS
vs. } 134.
SIMON MUSSINA.

It is ordered that the clerk open the deposition of Southwayd in the law case.

And afterwards, to wit, on the eighteenth day of January of the same year, the defendant filed a motion herein, which is in the words following, that is to say:

Motion of defendants.

RAFAEL GARCIA CAVAZOS, *et al.*, plaintiffs,
vs. } Law. 134.
SIMON MUSSINA, defendant.

In the District Court of the United States for District of Texas.

Now comes Simon Mussina, the defendant herein, and moves this court to dismiss this cause for want of prosecution on the part of plaintiffs herein, and assigns the following causes for such motion.

First. That heretofore, on the first day of the term of this court, held at Galveston, in the year A. D. 1852, an order was made by this court, directing the transfer of all causes there depending in this court, to such districts of this court, where the defendants in such causes, respectively might reside. And the said defendant did at the date of said order reside at Brownsville, in the county of Cameron, where one branch of this court is by law directed to to be held. And the plaintiffs herein have failed and refused duly to prosecute this suit, in not taking the necessary measures to comply with the order of this court in respect to the transfers of the same to the branch of this court for trial at Brownsville.

Second. For other causes apparent upon the face of the papers and the record herein.

ATCHISON & POWERS,
Defendant's Attorneys.

And on the same day and year, the affidavit of James Love was filed herein, and is as follows, to wit.:

Affidavit of James Love.

DISTRICT COURT OF THE UNITED STATES, *District of Texas.* } At Galveston.

RAFAEL GARCIA CAVAZOS, *et al.*, *vs.* SIMON MUSSINA. } No. 134.

I, James Love, depose and say, that I am now, and have been for more than three years last past, the clerk of this Court, sitting at Galveston; that, since the January Term, 1852, no application, to my recollection, has ever been made to me, nor, as I am informed and believe, to any of my deputies, for a transfer of the papers in the above entitled cause, nor for a transcript of the orders in said cause; nor has any tender or offer been made to him of any costs or fees due to him, nor of sufficient money to provide for the safe transmission of the papers in this cause to the Clerk's office in any other district or branch of this Court, nor have I heard from the defendant, or his attorneys, any objection to the cause remaining on the docket of this Court until this day, when such objection was made in court.

JAMES LOVE.

Sworn to and subscribed before me, this 18th January, A. D. 1854.

JOHN S. JONES,
U. S. Commissioner.

And on the same day and year, the affidavit of F. J. Parker was filed herein, and is as follows, to wit.:

Affidavit of F. J. Parker.

DISTRICT COURT OF THE UNITED STATES, *District of Texas.* } At Galveston.

RAFAEL GARCIA CAVAZOS *et al.* *v.* SIMON MUSSINA. } No. 134.

I, FRANCIS J. PARKER, do depose and say, that I have resided in the county of Cameron and State of Texas for more than five years last past; that I am well acquainted with the defendant in the above entitled cause, and have known him for several years; that in the beginning of the year 1849 the said defendant resided at Point Isabel in said county, but spent part of his time at Brownsville, where he conducted a newspaper; that some time during the same year or the year after he sold or in some way disposed of his interest in the newspaper, and returned to New Orleans, in the State of Louisiana, where he has since generally resided; that he was not at the commencement of the year 1852, nor has he been since, a resident or citizen of the said county of Cameron, so far as I know or believe, nor has he been regarded as a resident or citizen of said county by the citizens thereof since the time last above mentioned; and I further state that at the commencement of the last term of this Court at Brownsville, in June, 1853, I was qualified as the clerk of the branch of this Court at Brownsville, and have since been acting as such clerk, and that no applications have been made to me to docket the above entitled cause, nor to file any papers therein.

F. J. PARKER.

Subscribed and sworn to before me this 18th day of Jan., A. D. 1854.

JOHN S. JONES, *U. S. Comm'r.*

And afterwards, to wit, on the twenty-first day of January of the same year, a certificate was filed herein, which is as follows, to wit:

Certificate of James Love.

RAFAEL GARCIA CAVAZOS, *et al.*, *v.* SIMON MUSSINA, Defendant. } Law, 134.

I hereby certify that Daniel D. Atchison, one of the attorneys for the defendant, this day applied to me to transfer the papers and records in the above cause to Brownsville, and that said Atchison offered and promised to pay the costs of the same, which to me is entirely satisfactory.

JAMES LOVE, *Clerk.*

Jan'y 19, 1854.

And afterwards, to wit, on the same day and year, the Court here made an order in this cause, which is in the words and of the tenor following, to wit:

Order of Court.

RAFAEL GARCIA CAVAZOS *et al.*
vs.
SIMON MUSSINA. } No. 134.

And now on this day came on to be heard the motion of defendants filed on the 18th day of January, 1854, praying the Court, for reasons set forth in said motion, to dismiss this cause. After argument of counsel being heard, and the Court being now sufficiently advised, it is ordered that the motion be overruled. It is further ordered that complainants recover of defendants their costs incident to the aforesaid motion expended, to be taxed by the clerk, for which execution may issue, etc.

And afterwards, to wit, upon the same day and year, a motion and affidavit were filed herein, which are as follows, to wit:

Motion and Affidavit of S. Powers.

RAFAEL GARCIA CAVAZOS *et al.*, Plaintiffs,
v.
SIMON MUSSINA.

In the District Court of the United States, at Galveston, Jan'y Term, 1854.—Simon Mussina, the defendant in the above entitled and numbered cause, by his attorneys, and moves the Court to order that the same be dismissed, and he assigns the following causes in support of his motion, to wit:

First.—Because on the 29th day of June, A. D. 1849, an order of dismissal was made and entered by this Court, dismissing as to all the plaintiffs therein except Rafael Garcia Cavazos, since deceased, Josefa Cavazos, his wife, and Estefana Goseascochea de Cortina, whereby said cause was abated, the petition filed therein being a mere petition for trespass.

Second.—Because said Rafael Garcia Cavazos departed this life some time in A. D. 1852, or in the early part of A. D. 1853, and prior to the last term of this Court, and yet no heir or heirs, legal representative or representatives, of said deceased have been made a party to this suit.

Third.—Because no amendment has been made to the petition herein, setting forth who now claim to be parties, plaintiffs in this cause.

Fourth.—Because of divers other causes apparent from the papers, and the record of said cause.

And the said defendant refers to the affidavit of S. Powers, filed herewith, in support hereof.

ATCHISON & POWERS,
Att'ys for Deft.

RAFAEL GARCIA CAVAZOS *et al.*, Plaintiffs,
v.
SIMON MUSSINA, Defendant. } L. 134.

In the District Court of the United States at Galveston, January Term, 1854.

This affiant, Stephen Powers, being first duly sworn, makes oath and says, that he has, for some years past, resided on the Rio Grande, in Cameron County, State of Texas, and that Rafael Garcia Cavazos, one of the plaintiffs in this suit, who was personally well known to affiant, depart this life some time in A. D. 1852, or in the early part of A. D. 1853, but at what precise time affiant does not now recollect; but affiant is positive that said Cavazos departed this life prior to the last term of this Court, and further affiant saith not.

S. POWERS.

Subscribed and sworn to before me this 18th day of January, A. D. 1854.

JOHN S. JONES,
U. S. Commissioner.

And afterwards, to wit: on the twenty-third day of January, of the same year, a petition was filed herein, which is in the words and figures following, that is to say:

Petition of Defendant.

RAFAEL GARCIA CAVAZOS *et al.*, Plaintiffs,
vs.
SIMON MUSSINA, Defendant. } Law, 134.

In the District Court of the United States, at Galveston, January Term, 1854.—To the Hon. John C. Watrous, Judge of said Court for the District of Texas. The petition of Simon Mussina, the defendant in the above-entitled cause, respectfully represents that sometime in A. D. 1852, or in the early part of A. D. 1853, Rafael Garcia Cavazos, one of the plaintiffs therein, departed this life, and that no suggestion of the death of said Cavazos was made by the Attorneys of Record, or the agent, or the legal representative of said deceased at the first term of this Court after his death, in conformity with Hartley's Digest, Art. 697.

Wherefore, your petitioner suggests the death of said Rafael Garcia Cavazos, and referring to the affidavit of Stephen Powers, filed herewith, in support of this, his petition, prays the Court to order that a writ of *scire facias* be issued in conformity with the statute aforecited, to be served upon the legal representatives of said deceased, plaintiff requiring to appear and prosecute said suit.

SIMON MUSSINA,
By his Attorneys, POWERS & ATCHISON.

RAFAEL GARCIA CAVAZOS *et al.*, Plaintiffs,
vs.
SIMON MUSSINA, Defendant. } No. 134.

In the District Court at Galveston, January Term, 1854.

This affiant, Stephen Powers, having been duly sworn, makes oath and says that he has, for some years, resided on the Rio Grande, in the State of Texas, and that Rafael Garcia Cavazos, one of the plaintiffs in this suit, who was personally well known to affiant, departed this life some time in A. D. 1852, or in the early part of A. D. 1853, but at what precise time affiant does not now recollect, but affiant is positive that said Cavazos departed this life prior to the last term of this Court, and further affiant saith not.

S. POWERS.

Sworn to and subscribed before me this 19th Jan., A. D. 1854.
JOHN S. JONES, *U. S. Comm'r.*

And afterwards, to wit: on the same day and year, an affidavit of S. Powers was filed herein, which is in the words and figures following, to wit:

Affidavit of S. Powers.

RAFAEL GARCIA CAVAZOS, *et al.*, Plaintiffs,
vs.
SIMON MUSSINA, Defendant. } Law, 134.

In the District Court of the United States for the District of Texas, at Galveston, January Term, A. D. 1854.

Stephen Powers, one of the Attorneys for the defendant in the above-entitled and numbered cause, being first duly sworn, makes oath and says that Rafael Garcia Cavazos, late one of the plaintiffs therein, departed this life in the latter part of the year of our Lord, A. D. 1852, or in the early part of A. D. 1853, and some time before the last term of this Court, at this place; and yet, that so far as affiant is informed, and believes, no steps have been taken on the part of the plaintiffs to make the heirs, or the legal representatives, of said Cavazos parties to the suit. Affiant further states, that Ovid F. Johnson and Joseph A. Swett, who were the leading counsel for the defendant in this suit, some time since, removed from the State of Texas. That the latter has departed this life, and the former has ceased to have any connexion with this suit; and that affiant, who, for some years past, has been the general attorney of the defendant, as to all his matters of business existing in the vicinity of Brownsville, has been specially employed to defend this suit. Affiant further states, that on an examination of the papers in this cause, at this town—the first that has occurred since he was specially employed as aforesaid—he has ascertained that it will be necessary to the defence thereof to have the testimony of a large number of wit-

nesses, many of whom are personally well known to affiant, who reside at Brownsville and in the vicinity, near which place the land, described in the petition, is situate. Affiant further states, that he knows the said witnesses are material, and that by means of them he expects to prove facts that will make a valid defence to this suit. Affiant further states, that as said witnesses reside for the most part in the County of Cameron, which is alleged in the petition to be the county of residence of the defendant, and in which county the land described in the petition is situate, and which is near the City of Matamoras, in which city Josefa Cavazos, one of the plaintiffs, resides, and in which city Rafael Garcia Cavazos in his lifetime, resided. That it would save much cost, and conduce to the speedy trial of this suit, to remove the same to the branch of this Court, held at Brownsville, in the County of Cameron aforesaid, where affiant resides, and that if it is not so removed, it is material that time should be afforded to obtain the evidence of the witnesses aforementioned. Affiant further states, that he has been informed by divers of said witnesses, to wit: by Miguel Salinas and others, that Estefana Goseascochea de Cortina, one of the plaintiffs in this suit, was born in what is now the County of Cameron, and has resided there ever since her birth, and is a citizen of Texas, and not of the Republic of Mexico. Affiant further states, that he verily believes that such is the fact, and that at the time of the commencement of this suit said de Cortina was a citizen of the United States of America, and of the State of Texas. Affiant further states, that he is informed, and verily believes, that neither the defendant, nor the counsel previously employed by him, were hitherto aware that said de Cortina was a citizen of the State of Texas when this suit was commenced, and that this suit was brought in fraud of the jurisdiction of this Court. Affiant further states, that this application is not made for delay, but that justice may be done, and further affiant saith not.

S. POWERS.

Subscribed and sworn to before me 20th January, 1854.

JAMES LOVE, *Clerk.*

And afterwards, to wit: on the same day and year, the Court here made an order in this cause, which is in the words and figures following, to wit:

Order of Court.

RAFAEL GARCIA CAVAZOS, et al.,
vs.
SIMON MUSSINA.

And now came on to be heard the motion of defendant on this day filed, praying the Court, for causes therein set forth, to revive this suit against the legal representatives of Rafael Garcia

Cavazos. The Court being now sufficiently advised, it is ordered that the motion be overruled, and that the plaintiffs recover of the defendants their costs incident to the aforesaid motion, etc.

And afterwards, to wit, on the same day and year, the Court here made an order in this cause, which is in the words and figures following, to wit:

Order of Court.

RAFAEL GARCIA CAVAZOS, *et als.*,
vs.
SIMON MUSSINA.

On this day came the parties, by their attorneys, and thereupon came a jury of good and lawful men, viz.: Francis Ayres, James Robinson, Robert Moffat, David Bryan, Geraldin S. Thomas, David Webster, Elijah Blakeman, Christopher H. Pix, Thomas Pritchard, Jacob H. Thackeray, Moses L. Choate, and John N. Dupree, who being elected, tried and sworn well and truly to try the issue joined, after some progress made in the cause, and not having time to go through the same, by consent of parties were permitted to disperse until the opening of Court to-morrow.

And on the same day and year the Court have made an order in this cause, which is in the words following, to wit:

Order of Court.

RAFAEL GARCIA CAVAZOS, *et al.*,
vs.
SIMON MUSSINA.
L. No. 134.

On the calling of this cause on Saturday, the 21st instant, came the plaintiffs, by their attorneys, and the surviving plaintiffs, Maria Josefa Cavazos and Estefana Giseascochea de Cortina, suggested the death of Rafael Garcia Cavazos, one of the original plaintiffs, and that the cause of action survived to them, the surviving plaintiffs, and the clerk having on that day omitted to enter an order to that effect, it is ordered that it be, now, for their

And on the same day and year, the Court here made an order in this cause which is as follows, to wit:

Order of Court.

RAFAEL GARCIA CAVAZOS, *et al.*,
vs.
SIMON MUSSINA.
L. 134.

On motion of counsel for plaintiffs, it is ordered by the Court that they have leave to amend their petition by endorsing thereon, that the action is brought as well to try title as for damages, and

it appearing to the satisfaction of the Court that this order was granted on Monday, and the clerk having failed then to enter it on the minutes, it is ordered that it be now entered as on that day.

And afterwards, to wit, on the twenty-fourth day of January, of the same year, a subpœna issued herein as follows, to wit:

Subpœna for Tipton Walker.

The President of the United States. To the Marshal of the District of Texas, greeting:

You are hereby commanded to summon Tipton Walker, if he be found in your district, to be and appear before the Honorable the District Court of the United States, at a Court now in session at the City of Galveston, forthwith, then and there to testify, and the truth to say in a certain cause therein depending, wherein Rafael Garcia Cavazos and others are plaintiffs, and Simon Mussina is defendant, on behalf of the plaintiffs, and that he depart not without leave of the Court. Herein fail not.

In testimony whereof I have hereunto set my hand and affixed the seal of said Court this, the twenty-fourth day of January, [SEAL] in the year of our Lord one thousand eight hundred and fifty-four.

JAMES LOVE, *Clerk.*

And thereupon endorsed is the Marshal's return as follows, to wit:

Marshal's Return.

Received January 24th, 1854, and executed January 25th, by reading this writ to Tipton Walker, in Galveston.

BEN. McCULLOCH, U. S. M.,
by E. T. AUSTIN, Deputy.

And afterwards, to wit, on the same day and year, an affidavit was filed herein, which is in the words and figures following, to wit:

Affidavit of W. G. Hale.

DISTRICT COURT OF THE UNITED STATES, *District of Texas.*

MARIA JOSEFA CAVAZOS, *et al.*, *vs.* SIMON MUSSINA.

I, William G. Hale, make oath and say that I am the attorney of the plaintiffs in the above entitled cause, and have had the entire direction of this suit, that neither the said plaintiffs nor myself have been able to obtain the original deed from Simon Mussina to S. W. Southmayed, dated Februay 1, 1849, a copy whereof is now

offered in evidence, and I believe it to be in the possession of said Southmayed, who is out of the jurisdiction of this Court.

WILLIAM G. HALE.

Subscribed and sworn to in open Court, 24th January, 1854.

JAMES LOVE, *Clerk.*

And on the same day and year a paper was filed herein, which is in the words and figures following, to wit:

General Objections to Testimony.

RAFAEL GARCIA CAVAZOS, *et al.*,
vs.
SIMON MUSSINA, Defendant.

U. S. District Court, January Term, at Galveston, A. D. 1854.

And the said defendant objected to all the evidence offered by plaintiffs.

1st. Because the papers and documents do not appear to be filed in the cause as the law directs.

2d. Because, under the original petition, no evidence could be introduced to show title, the suit being a simple action of trespass, and not trespass to try title, as prescribed in Hartley's Digest, Art. .

3d. Because the original Spanish Documents were not in conformity with the laws of Mexico, not properly authenticated, proven, nor were they executed according to the laws of Mexico. And for the special causes and objections assigned and attached to each of the documents, by counsel, when they were offered in evidence in chancery case No. 41, in this Court.

4th. Because the evidence does not show any relevancy whatever to this case, and for all other objections.

SIMON MUSSINA,
by his Attorney, DANIEL D. ATCHISON.

And on the same day and year the Court here made an order in this cause, which is in the words and figures following, to wit:

Order of Court.

RAFAEL GARCIA CAVAZOS *et al.*,
vs.
SIMON MUSSINA.

The consideration of this cause was resumed to-day, and after some further progress, and not having time to go through the same, by consent of parties, the jury were permitted to disperse until the opening of Court to-morrow.

And afterwards, on the twenty-fifth day of January, of the same year, the Court here made an order in this cause, which is in the words and figures following, to wit:

Order of Court.

RAFAEL GARCIA CAVAZOS, et al.,
vs.
SIMON MUSSINA.

The consideration of this cause was resumed to-day, and after further progress, not having time to go through the same, by consent of parties the jury were permitted to disperse until the calling of the cause to-morrow.

And afterwards, to wit, on the twenty-sixth day of January, of the same year, the Court here made an order in this cause, which is in the words and figures following, to wit:

Order of Court.

CAVAZOS, et al.,
v.
S. MUSSINA.

On motion of ——, it is ordered, that the style of the cause No. 134, on the Law Docket of this Court, formerly entitled Rafael Garcia Cavazos, et al., *vs.* Simon Mussina, be henceforth (on account of the suggestion of the death of the said Rafael Garcia Cavazos) entitled Maria Josefa Cavazos, et al., *vs.* Simon Mussina.

And afterwards, to wit, on the same day and year, the Court here made an order in this cause, which is in the words and figures following, to wit:

Order of Court.

RAFAEL GARCIA CAVAZOS, et al.,
v.
SIMON MUSSINA. No. 134.

The consideration of this cause was resumed to-day, and after hearing the evidence, argument of counsel, and charge of the Court, retired to consider of their verdict, and by consent of parties the jury were permitted to disperse until the opening of the Court.

And afterwards, to wit, on the twenty-eighth day of January, of the same year, the Court here made an order in this cause, which is as follows in words and figures, that is to say:

Order of Court.

MARIA JOSEFA CAVAZOS, et al.,
v.
SIMON MUSSINA. 134.

On this day the jury, heretofore empaneled and sworn to try the issue, having appeared in Court and answered to their names,

returned into court the following verdict in the above entitled cause: "We, the jury, find for the surviving plaintiffs as to one "undivided moiety of the land described in the petition as "amended, and one cent damages, this 28th day of January, 1854.
"Galveston. JOHN N. DUPREE, *Foreman*."

And afterwards, to wit, on the thirtieth day of January, of the same year, there was filed herein a motion for an arrest of judgment (*was filed herein*), which is as follows, to wit:

Motion in Arrest of Judgment.

RAFAEL GARCIA CAVAZOS, et al., *v.* SIMON MUSSINA, Deft. } Law, No. 134.

In the U. S. District Court at Galveston, January Term, 1854.

And now comes the said defendant by his attorney, and moves the Court to arrest the judgment rendered against him in the above entitled and numbered cause, for the following causes:

1st. Because one of the plaintiffs, Cavazos, as appears from the petition, is a citizen of Mexico, an alien, and as such not entitled to sue in this Court.

2d. Because the other plaintiff, Cortina, is a resident citizen of the county of Cameron, in the State of Texas, and was at the time of filing of this suit.

3d. Because it is apparent, from the petition, that the action was simple trespass, and not an action of trespass to try title, as the statute of the State of Texas prescribes.

And for other causes. And refers to all the papers in said cause in support of his motion.

SIMON MUSSINA,
By his Att'y, DAN'L D. ATCHISON.

And afterwards, to wit, on the same day and year, there was filed herein a motion for a new trial, which is in the words and figures following, to wit:

Defendant's Motion—New Trial.

RAFAEL GARCIA CAVAZOS, et al., *vs.* SIMON MUSSINA. } No. 134.

United States District Court for the District of Texas, at Galveston, January Term, 1854.

And now comes the said defendant, by his attorney, and moves the Court to set aside the verdict and judgment rendered against him in the above entitled and numbered cause, and grant him a new trial for the following causes:

1st. Because the Court erred in overruling the motion to dismiss the cause for want of prosecution, and not removing the

cause to Brownsville, the branch of the district to which it properly belongs.

2d. The Court erred in overruling the motion to dismiss the cause for the failure to make the representative of Rafael Garcia Cavazos a party to the suit, and because the petition is brought for trespass, and not for trespass to try title.

3d. Because the Court erred in not granting the petition suggesting the death of Cavazos, in conformity to Article Hartley's Digest.

4th. Because the Court erred in ruling that the cause of action survived to the plaintiff or plaintiffs.

5th. The Court erred in overruling the application for a continuance, and forcing defendant to trial.

6th. The Court erred in admitting evidence under the petition to show title to land, when the action was trespass, and not trespass to try title.

7th. Because the Court erred in allowing the plaintiffs to amend the petition, by endorsing on the same
after the parties had announced themselves ready for trial, and gone to the jury.

8th. Because the Court erred in overruling the objections presented in writing to all the original documents offered in evidence.

9th. Because the Court erred in admitting all the evidence taken under Letters Rogatory by the plaintiffs without legal notice.

10th. The Court erred in charging the jury as to boundary, in this, that if the call of the grant was the Gulf of Mexico (instead of the waters of the Gulf of Mexico), they were bound to go to it.

11th. The Court clearly erred in calling back the jury and recharging it in the manner the Court did, when the same was not asked for by the jury.

12th. The instructions of the Court misled the jury, and improperly influenced them.

13th. The verdict is both contrary to the law and the evidence.

14th. And for other causes to be assigned on the hearing of this motion. And the said defendant refers to the papers in this cause in support of this his motion.

S. MUSSINA,
by his Attorney, D. ATCHISON.

We acknowledge service of the above motion.

ALLEN & HALE,
Attorneys for Plaintiffs.

Jan. 30, 1854.

And afterwards, to wit, on the eighteenth day of February, of the same year, a statement of the costs of depositions was filed herein, and is as follows, to wit:

Statement.—Costs of Depositions.

DISTRICT COURT OF THE UNITED STATES, *District of Texas.* } At Galveston.

MARIA JOSEFA CAVAZOS, *et al.*, *v.* SIMON MUSSINA. } No. 134.

Cost of the plaintiffs in taking depositions:

Deposition of Rodrigues, at Matamoras,		$5 00
" " Dominguez, at Camargo,		3 00
" " Molado, and others, at Victoria,		27 50
" " Garcia, and others, at Camargo,		9 00
" " Lopez, and others, at Matamoras,		28 12½
" " Guerra, and others, at Reynosa,		10 87½
" " O'Docharty, at San Patricio,		3 00
	Total,	$87 50

UNITED STATES OF AMERICA, *District of Texas.* }

I, William G. Hale, being duly sworn, depose and say, that the six first above stated sums of money were actually paid by John Treanor, agent of the complainants, in my presence, for the purposes above mentioned, to the officers who took the depositions referred to, and used as evidence in the above entitled case, and that I examined the avancel, or tariff of fees established under the laws of the United Mexican States, and found the above stated charges were correct, and in accordance therewith; and that I paid the last stated sum of money to said David Ayres, Esq., U. S. Commissioner, who took the deposition of Wm. O'Docharty, used as evidence in said cause, and that the services stated in the foregoing bill were actually and necessarily rendered.

WM. G. HALE.

Sworn and subscribed to before me, this 10th February, 1854.

JOHN S. JONES, *U. S. Com'r.*

And on the same day and year the Cost Bill of the Marshal was filed herein, and is in the words and figures following, that is to say:

Marshal's Cost Bill.

UNITED STATES OF AMERICA, *District af Texas.* } In the Dist. Court.

RAFAEL GARCIA CAVAZOS *v.* SIMON MUSSINA. } Marshal's Cost.

Serving writ on Mussina,	$ 2 00
410 miles travel, 5 c. Marshal Cocke,	20 50
Carried forward,	$22 50

Brought forward,	$22 50
Summoning 1 witness for Marshal Bates,	50
Summoning 2 witnesses for Marshal McCulloch,	1 00
Marshal's Costs,	$24 00

UNITED STATES OF AMERICA, }
District of Texas. }

I, Jas. A. Cleveland, Deputy Marshal of the United States for the District of Texas, make oath, and say, that it appears, from the books of the Marshal's Office, that the services stated in the foregoing bill were actually and necessarily rendered.

JAS. A. CLEVELAND.

Subscribed and sworn before me, this 18th day of Feb'y, 1854.

JOHN S. JONES, *U. S. Comm'r.*

And on the same day and year, a Bill of Costs was filed herein, which is in the words and figures following, to wit:

Bill of Costs.

RAFAEL GARCIA CAVAZOS, *et al.*, }
v. } Bill of Costs.
SIMON MUSSINA. }

1849.			
Jan.	9,	Filing Petition, 25. Docketing cause, 67,	92
		Bond for Costs, $1 33. Copy of Petition, $1 00,	$2 32
		Issuing summons,	1 33
March	6,	Filing motion for rule on plaintiff's, 25; entering same, 34,	59
June	2,	Filing Answer to rule,	25
	20,	" Motion, 25. Entering same, 33,	58
	"	" Aff. of Treanor, 25. Swearg. and certif., 50,	75
	23,	" Answer of deft., 25. Entg. appearance, 67,	92
	26,	" Motion, and entering same,	58
	"	" 2 copies of Letters Rogatory, Spanish and English,	50
	"	" Aff. of R. H. Hard, 25. Swearg. and certif., 50,	75
	30,	" 3 Motions, 75. Entering same, $1 00,	1 75
July	9,	" Plea,	25
	"	" Receipt,	25
Aug.	17,	" Motion, 25. Entg., 33. Fil. awd. to Pet., 25,	83
		Aft. of Treanor, 25. Swearing and certif., 50,	75
Oct.	15,	" 30 sets Interrogatories, 25 cents each,	7 50
		Making copies of same (58 pp.),	29 00
		Issuing subpœna for witness,	33
		" 24 Letters Rogatory (English and Spanish),	32 00

1850.		
Feb. 6,	Filing 6 sets interrogatories,	$ 1 50
	Copies of same,	14 00
18,	Filing Revocation of Letters of Attorney,	25
June 4,	" 2 affats. of Hale, 50. Swearing and certificate, 67,	1 17
Oct. 24,	Issuing subpœna for witness,	33
Nov. 14,	Filing agreement,	25
Dec. 14,	" Affat. of Hale, 25. Swearing, 33,	58
		$100 23
	Amount brought forward,	$100 23
Dec. 14,	Filing motion, 25. Ent'g same, 33,	58
23,	" Affat. of Hale, 25; and swearing and certf., 33,	58
1851.		
Jan. 14,	" 12 translations,	3 00
18,	" 2 do.,	50
March 7,	" 1 do., 25. 29th, 1 do., 25,	50
May 31,	" Affat. of Rossignal,	25
" "	" " " Hale,	25
	Commissioner's fees for swearing do., $1 00,	1 00
1854.		
Jan. 6,	Filing 12 Depositions,	3 00
18,	" Affat. of Love and Parker,	10
	Commissioner's fees on same,	50
	Filing Motion, 10. Entering same, 20,	30
	" Motion to dismiss, 10. Entering same, 20,	30
21,	" Application to transfer cause,	10
23,	" 2 affats. of Powers, 20. Swearing, 50,	70
	Issuing subpœna for Hard,	20
24,	Issuing subpœna for Walker,	25
	Filing 2 Deeds,	20
	" objections to testimony,	10
	" Aff. of Hale, and swearing,	35
30,	" Motion, 25. Entering same, 50,	75
" "	" in arrest, 10. Entering same, 15,	25
"	Copy of same, and certif.,	50
June Term,		
1849.	Entering 12 orders, 67 each,	8 04
1850.	Entering 3 orders, 67 each,	2 00
1852.	" 1 "	67
	" 4 continuances, 27 each,	1 08
1854.	" 4 orders,	90
	Swearing 10 witnesses,	1 00
		$127 24

Amount brought forward,	$127 24
Record of Proceedings (513 pp.),	256 00
	$383 24
Marshal's Costs,	24 00
Plaintiff's Costs,	89 50
	$494 74

UNITED STATES OF AMERICA,
District of Texas.

I, John S. Jones, Deputy Clerk of the United States for the District of Texas, make oath and say, that the services rendered in the above bill of Clerk's Costs, amounting to three hundred and eighty-three $\frac{24}{100}$ dollars, were actually and necessarily rendered, except as to the final record, which cannot be made until after the judgment is rendered, and that as to the further sum of eighty-seven $\frac{50}{100}$ dollars, I refer to the affidavit of W. G. Hale, and as to the further sum of twenty-four dollars, I refer to the affidavit of J. A. H. Cleveland.

JOHN S. JONES.

Sworn to and subscribed before me, this 18th day of February, 1854.

And afterwards, to wit: on the twenty-third day of the same year a motion was filed herein which is as follows, to wit:

Motion—To withdraw.

DISTRICT COURT OF THE UNITED STATES,
District of Texas. } At Galveston.

MARIA JOSEFA CAVAZOS *et al.*,
vs.
SIMON MUSSINA, Defendant,

The plaintiffs, by their attorneys move the Court for leave to withdraw the original documents and copies filed in this cause, making part of their proof, for the purpose of using such papers in evidence in other causes.

ALLEN & HALE,
Attorneys for Plaintiffs.

And afterwards, to wit: on the twenty-fourth day of February, of the same year, a judgment was rendered herein which is in the words and figures following, to wit:

Judgment.

MARIA JOSEFA CAVAZOS, *et al.*,
vs.
SIMON MUSSINA. } No. 134.

This day came the parties by their attorneys, and the several motions for a new trial and in arrest of judgment having been argued, and the Court being fully advised it is ordered by the Court that the said motions be overruled; and thereupon the plaintiffs having asked for judgment on the verdict heretofore returned and entered in this cause, it is now ordered, adjudged and decreed by the Court that the said remaining plaintiffs do recover of and from the said defendant, one undivided moiety of the tract of land described in the petition as amended, to wit: one undivided moiety of a tract of land situated in the county of Cameron, and State of Texas, and bounded as follows, that is to say: beginning at a point on the Laguna Madre where a line drawn due west from a point eight thousand varas due north of the extreme northeastern point of Point Isabel so called, would if produced strike the mainland on the western shore of the Laguna Madre; thence running west eight thousand varas; thence running south to the Rio Grande; thence running along the left bank of the Rio Grande, to its mouth; and thence along the coast of the Gulf of Mexico and the said Laguna Madre to the beginning; including the town known as Point Isabel or San Isabel, situate on Point Isabel aforesaid; and that the said plaintiffs do recover of and from the said defendant the sum of one cent as damages assessed by the jury, and the further sum of four hundred and ninety-four dollars and seventy-four cents costs in this cause, taxed by the clerk for which execution may issue; and thereupon the said plaintiffs pray for a writ of possession to the Marshal of this District, to be directed to cause them to have their possession of the said land and to them it is granted.

And afterwards, to wit: on the tenth day of March, of the same year, the Court here made an order in this cause, which is as follows, to wit:

Order of Court.

MARIA JOSEFA CAVAZOS
vs.
SIMON MUSSINA. } No. 134.

On this day came on to be heard the motion of plaintiff filed on the twenty-third day of February ult., for leave to withdraw the original documents and copies filed in this case, making part of their proof, for the purpose of using such papers in evidence in other causes. The Courts being now sufficiently advised, it is ordered that plaintiff have leave to withdraw the papers asked

for in the motion, upon leaving certified copies of the same in the office to be attested by the clerk.

And afterwards, to wit: on the twenty-first day of March, of the same year, the Court made an order in this cause which is as follows, to wit:

Order of Court.

MARIA JOSEFA CAVAZOS, *et al.*, *vs.* SIMON MUSSINA. } No. 134.

On this 21st day of March, A. D. 1854, came the defendant by his attorney, and prayed an appeal from the judgment rendered in this cause, to the Supreme Court of the United States, and to him it is granted upon the condition that he enter into bond with good and sufficient sureties in the sum of five hundred dollars payable to the plaintiff, conditioned that he prosecute his said appeal with effect and answer all costs and damages if he fail to make his plea good.

And afterwards, to wit, on the twenty-first day of March, of the year of our Lord last aforesaid, came the defendants and filed herein their Bill of Exceptions, which is in the words and figures following, that is to say:

Bill of Exceptions.

DISTRICT COURT OF THE UNITED STATES, *District of Texas.* } At Galveston.

GAVAZOS, *et al.*, *vs.* SIMON MUSSINA. } Law No. 134.

1. Be it remembered this cause coming on to be heard, the defendant, by his attorney, suggested the death of Rafael Garcia Cavazos, and asked a continuance of the cause, in order to make the representative of the said deceased plaintiff a party, in conformity to article No. 697 Hartley's Digest, whereupon it was insisted by the attorney of plaintiff, that the cause of action to the other plaintiffs survived, and it was ruled by the Court that the cause of action survived to the other plaintiffs, and refused to continue the cause to make the party. So which ruling, the defendant excepted.

2. Be it also remembered that the defendant moved to dismiss the suit.

Motion to Dismiss.

RAFAEL GARCIA CAVAZOS *et al.*, Plaintiffs, *vs.* SIMON MUSSINA, Defendant. }

In the District Court of the United States, at Galveston, January Term, 1854.

Simon Mussina, the defendant in the above entitled and remembered cause, by his attorneys, moves the Court to order, that the same be dismissed, and he assigns the following causes in support of his motion, to wit:

First: Because on the 29th day of June, A. D., 1849, an order of dismissal was made and entered by this Court, dismissing as to all the plaintiffs therein, except Rafael Garcia Cavazos, since deceased, Josefa Cavazos his wife, and Estefana Goseascochea de Cortina, whereby said cause was abated, the petition filed therein being a mere petition for trespass.

Second: Because said Rafael Garcia Cavazos departed this life sometime in A. D., 1852, or in the early part of A. D., 1853, and prior to the last term of this Court; and yet no heir or heirs, legal representative or representatives, of said deceased, have been made a party to this suit.

Third: Because no amendment has been made to the petition herein setting forth who now claim to be parties plaintiffs in this cause.

Fourth: Because of divers other causes apparent from the papers, and the records of said cause. And the said defendant refers to the affidavit of S. Powers, filed herewith in support hereof.

ATCHISON & POWERS,
Att'ys for Deft's.

RAFAEL GARCIA CAVAZOS, *et al.*, Plaintiffs,
vs.
SIMON MUSSINA, Defendant.

In the District Court of the United States, at Galveston, January Term, 1854.

This affiant, Stephen Powers, being first duly sworn, makes oath and says, that he has for some years past resided on the Rio Grande, in Cameron County, State of Texas, and that Rafael Garcia Cavazos, one of the plaintiffs in this suit, who was personally well known to affiant, departed this life some time in A. D., 1852, or in the early part of A. D., 1853; but at what precise time, affiant does not now recollect; but affiant is positive that said Cavazos departed this life prior to the last term of this Court, and further, affiant saith not.

S. POWERS.

Subscribed and sworn to before me, this 18th day of Jauuary, A. D., 1852.

JOHN S. JONES,
U. S. Commissioner.

Because it appears from the plaintiffs' petition to be a simple action of trespass, and not an action of trespass to try title according to article No. 3221, Hartley's Digest, there being no endorsement on the petition, as required by the Statute, which motion the Court

overruled, and held that the petition under the Statute was sufficient to try title. To which ruling of the Court the defendant excepted.

Bill of Exceptions—Continued.

Be it further remembered, that the defendant offered the affidavit of Stephen Powers, Esq., for a continuance of the cause.

Affidavit of S. Powers.

RAFAEL GARCIA CAVAZOS *et al.*, Plaintiffs,
vs.
SIMON MUSSINA, Defendant.
} Law, 134.

In the District Court of the United States for the District of Texas, at Galveston, January Term, A. D. 1854.

STEPHEN POWERS, one of the attorneys for the defendant in the above entitled and numbered cause, being first duly sworn, makes oath and says: That Rafael Garcia Cavazos, late one of the plaintiffs therein, departed this life in the latter part of the year 1852, or in the early part of A. D. 1853, and some time before the last term of this court at this place, and yet so far as affiant is informed and believes, no steps have been taken on the part of the plaintiffs to make the heirs or legal representatives of the said Cavazos parties to this suit. Affiant further states, that Ovid F. Johnson and Joseph A. Swett, who were the leading counsel for the defendant in this suit, some time since removed from the State of Texas; that the latter has departed this life, and the former has ceased to have any connection with this suit; and that affiant, who has been for some years past the general attorney for the defendant, as to all his matters of business existing in the vicinity of Brownsville, has been specially employed to defend this suit. Affiant further states that on the examination of the papers in this cause at this term, the first that has occurred since he was specially employed as aforesaid, he has ascertained that it will be necessary to the defence thereof to have the testimony of a large number of witnesses, many of whom are personally well-known to affiant, who reside at Brownsville and its vicinity, near which place the land described in the petition is situate. Affiant further states, that he knows that said witnesses are material, and by means of them he expects to prove facts that will make a valid defence to this suit. Affiant further states, that as said witnesses reside for the most part in the county of Cameron, which is alleged in the petition to be the county and residence of the defendant, and in which county the land described in the petition is situated, and which is near the city of Matamoras, in which city Josefa Cavazos, one of the plaintiffs resides, and in which city said Rafael Garcia Cavazos in his life time resided; that it would save much cost and conduce to the speedy trial of this suit to remove the same to the branch

of the court held at Brownsville in the county of Cameron aforesaid, where affiant resides, and that if it is not so removed, it is material that time should be afforded to obtain the evidence of the witnesses aforementioned. Affiant further states, that he has been informed by divers of said witnesses, to wit: by Miguel Salinas and others, that Estefana Goseascochea de Cortina, one of the plaintiffs in this suit was born in what is now the county of Cameron, and has resided there ever since her birth, and is a citizen of Texas and not of the Republic of Mexico. Affiant further states that he verily believes such is the fact, and that at the commencement of this suit said de Cortina was a citizen of the United States of America and of the State of Texas. Affiant further states that he is informed and verily believes, that neither the defendant nor the counsel previously employed by him, were hitherto aware that said de Cortina was a citizen of the State of Texas, where this suit was commenced, and that this suit was brought in fraud of the jurisdiction of this court. Affiant further states, that this application is not made for delay but that justice may be done. And further affiant saith not.

S. POWERS.

Subscribed and sworn to before me 20th January, 1854.

JAMES LOVE, *Clerk.*

Which the Court ruled to be wholly insufficient, to which ruling the defendant excepted.

Bill of Exceptions continued.

Be it further remembered, that on the trial of said cause the plaintiffs offered in evidence before the jury, translation certified by commissioner of the general land office, under seal of said office, of the decree of Spain, reorganizing the towns of the Province of Texas, to the reading of which to the jury, or any other evidence to show title to land in the plaintiffs, objected to, on the ground that this suit was an action of trespass, and not an action of trespass to try title, according to the mode prescribed by the Statute, Art. 3221, Hart. Digest; which objection was overruled by the Court, and to which ruling defendant excepted.

Translation marked A.

Translation of the decree of the King of Spain, for reorganizing the towns of the Province of Texas, and for abolishing certain missions in Texas, and providing for their reorganization at San Antonio.

Reserved instructions that are to be observed by the Colonel of Calvary, Baron de Riperdu Governor of the Province of Texas, for the practice and observance in the two towns thereof, of the new regulation which his majesty has been pleased to give on the 10th of September, of the last past year, and other points that it

contains for the political government of the said province provided by me. Mr. Hugo O'Conor, Colonel of Infantry, Commanding Inspector of the Interior Provinces of the Kingdom of New Spain, by order of the Most Excellent Antonio Maria Bucarelli, and Viceroy and Governor, and Captain General thereof.

All the high royal opinions of our sovereign, have for their object the most recommendable felicity, spiritual and temporal of his vassals. To this end he directs precisely and strictly, are the aims of his most correct decrees, in a spirit of religion and piety, of humanity and policy, and compelling his majesty to adopt new measures to facilitate the execution of such sacred ends, fulfilling with his power and authority, even those that have been deemed impossible to some insupportable disorders.

One of the most considerable objects, is the vast extent of his dominions, but his intentions have been often impeded and retarded for their better government, impelled from the malice or by the inaction of those who were bound by so many titles to execute them.

His Majesty, (whom may God guard,) has been well instructed and punctually informed of such irregular proceedings, as also of the number and bravery of the barbarous Indians, and of the weighty evils, and the apparent ravages which in their lives and property, his vassals have sustained on the frontiers of the internal provinces. His Royal pity, desiring to attend speedily and efficiently to their total redress, thus with vigorous measures to chastise the hostile nations, as with permenant and proper rules which will in future secure that security and tranquillity so important; he has been pleased to order in communication of 10th September, of seventeen hundred and seventy-two, the formation of a new line which is bound to cover the ancient towns, and which will vary the base, pay an economical government of them. Attending also to the particular reserved instructions for the better establishment, government and security, tranquillity, and even advancement of its citizens and towns.

The most excellent Viceroy of these kingdoms, not only impelled by the effective desire that there be fulfilled the sovereign intentions of his majesty as exhibited by the superior example of submission, to his royal determinations, he has given with inexpressible promptitude all the corresponding orders that they may enjoy all their effect.

These acts are bound to influence our blind obedience, to give in the part that respectively relates to us the most just and due fulfilment which we are bound to regard as a very particular honor, and distinguished good fortune that we possess in proportion to our capacity to perform for our sovereign so agreeable a service. Therefore,

1st. So soon as the Cavalier Governor shall receive this instruction, without impeding or delaying it upon any pretext whatever,

he shall proceed to the extinguishment of the four Missions of the College of our Lady of Guadalupe of Zacatecas, called our Lady of Pilor, of the Adais, Our Lady of Dolores of the Ais, that of our Lady of Guadalupe, of the Nacogdoches, and that of our Lady of the Luz, of Arcoquiza; because this is the will of his majesty, expressed in the twenty-second article of the royal regulation, which treats of the location of towns, and provided by the most excellent Viceroy, in his superior decree of the 10th of March, of this year, for its speedy execution.

2nd. He shall form an inventory of the ornaments of churches which remain and were given by his Majesty at their respective foundings, which he shall sign with the minister who makes the delivery, giving to them a Testimonio (second original) of the inventories. But not of the other moveables and property that may be found in them, inasmuch as they were never organized as towns, nor other funds for their advancement than the synods and the alms which was given by the piety of our sovereign to the Royal Missions, shall belong to their college.

3d. Said inventories with the instrument which has to show the day on which they were extinguished, each one of said four missions in a manner that will give said documents faith in continuation of the document number four, to which end I remit, which you will return to me, that it may be passed to the hands of the most Catholic Viceroy that he may suppress the synods of the said Royal Missionaries in favor of the Royal Treasury.

4th. The cavalier Governor shall be responsible for all that he appears to have received from the town ministers at the aforesaid missions, for which, he shall retain it in his power and with due security, until the Most Excellent Viceroy shall be pleased to determine all which shall seem to him most proper.

5th. In continuation he shall execute the extinguishment of the town of the Adoes, removing all the troops of said town to that of San Antonio de Bexar for the end of executing that which is provided, and to fulfil the resolution of his Majesty and the Most Excellent Viceroy.

5th. He shall conduct to the aforesaid town of San Antonio de Bexar the artillery, munitions, and other things that may pertain to his Majesty in the aforesaid town of the Adoes, as also the ornaments of the church, of all of which the Governor shall take an exact inventory, giving to all individuals an authenticated instrument in notice thereof.

7th. All the families that compose the neighborhood of the Adoes, or Coquiza, and those that may be found in the missions at the time of their extinguishment, shall remove to the village of San Fernando on the river of San Antonio, giving to these families, in said village of the Royal lands, all that may be necessary to form their habitations.

8th. There shall also be given lands in the country to those

who have stock, and farming lands to those who farm, permitting them the taking of water at their own expense and labor, which is afforded them by the beautiful river of San Antonio, and which, up to the present time, has not been done, but with the understanding that there shall be no injury result to the lands of the citizen settlers, nor to the Indians of the missions.

9th. Supposing that there is in the town of San Antonio de Bexar the entire company of the Orcoquiza, the necessary prevention shall be taken to prevent their extinguishment, or to reform them in the following articles.

10th. These orders being extended, so soon as the Governor shall return to San Antonio de Bexar he shall revise this company and those of the extinguished towns of the Adoes and Orcoquiza, and all three shall elect their sergeants, commanders and soldiers, of the most accredited valor, size, figure and knowledge of the country, forming those who have to guard the town of Bexar under the number and basis explained in the 22d article, chapter 2d of the Royal regulation.

11th. He shall make a statement of those who, by their advanced age and habitual infirmities, are rendered useless, with a statement of the time of their services, that it may be passed to my hands and by me to the Most Excellent Viceroy, that his Highness may determine upon the destiny that may await them.

12th. As also he shall remit a separate statement of the useless, vicious and unmanageable, that I may issue the corresponding licenses, and finally another statement of those that may have accomplished good, and for the overplus there is no necessity for employing them, therefore there must be included in the partition of lands as to the citizens in remuneration for their services and for the advancement of the towns.

13th. The two lieutenants of the new company shall be the actual lieutenants of the towns of the Orcoquiza and San Antonio de Bexar, Mr. Cristoval de Cordova and Mr. Joaquin de Orandai, and the ensign shall be of the Adoes, remaining consequently reformed: the lieutenant of the town of the Adoes, Mr. Josefa Gonzales, from his advanced age, and the impossibility of being unable to continue in the Royal service.

14th. The detachment from the aforesaid company of Bexar shall be situated upon the margins of the Cibolo creek, for the ends spoken of in the 21st article of the Royal instruction, they shall proceed to occupy that land so soon as they are revised and said company regulated, with which act the two towns of the Adoes and Orcoquiza will remain reformed.

15th. That I may have a perfect knowledge of the actual state in which are found the companies of the four towns, Adoes, Orcoquiza, Bahia del Espiritu Santo and San Antonio de Bexar, and transmit it to the Most Excellent Viceroy, as it corresponds to him the cavalier governor shall examine at length the quality

of the people of which the aforesaid companies are composed, their aptitude, size and other proportions necessary to the discharge of the fatigues in which they are to be employed,

16th. He shall observe the arms, clothing and horses used by the troops, and causing them to present to him an account of the distribution of allowances, and the letter corresponding to the resolutions taken by the most excellent Marquis de Rubi of orders of his revisal of inspection; he shall form an extract of that which he is bound to execute, expressing in his notes the manner in which were fulfilled, the aforesaid resolutions, as also, all that he may find worthy to be brought to my notice, and that may be conducive to give the superior authority to the Most Excellent Viceroy, a casual opinion of the discipline, service and subordination that is observed in the aforesaid companies, and at the same time the management of the interests of their interior government.

17th. Under the same regulation he shall execute the corresponding review of the company that guards the town of the Bahia del Espiritu Santo, giving to it public squares, as pointed out in the Article 1st., Chapter Second of the royal regulation.

18th. It follows that from the day of the reviews the officers and troops of the towns of Texas remain subject to the new regulation: that he shall appoint officers, and that they shall apply to the royal chests of San Luis Potosi for the means of paying their salaries, and that of Bexar shall receive the two thousand dollars, with which is to be paid the expense of guarding the District by the detachment of the Cibolo Creek performing all that is described in this Chapter under the formalities provided in the Royal Regulation, and the framing said detachment according to the small plan which accompanies, and showing the new plan which he shall give to it.

19th. Having concluded the review of each town, and having taken the notices and information which is prescribed in the foregoing articles, the Governor shall designate a day that the company shall be placed under arms, to the end that it may be intimate to the officers and troops thereof, that from the day of the aforesaid division, they shall observe the rules of the new ordinance, and enjoy the salaries, promotions and advantages that it offers, remaining subject to the penalties therein for its infraction.

20th. It is necessary to change the method observed thus far, because the following articles will direct the Governor with more certainty in the political matters, and cutting off from the country the ruinous effects of the inadvertences that may occur between the civil authorities (calidado) of the village of San Fernando, his neighbors and the Cavalier Governor, and the maxims that shall be observed with the Indian enemies, and friends of the province of Texas.

21st. The Governor of Texas shall speedily put in possession of

their respective employments (in case he has not done so,) the Alcaldes that actually are and were dispossessed of their stations, the recorders (regidores), and proctors (procurador), of the village of San Fernando which compose its court.

22nd. He shall give them possession with the same formalities and circumstances, with the privileges of their offices, without permitting any imaginable protest against this determination neither generally or specially.

23d. There shall remain suspended, until a new order from the Most Excellent Viceroy, the work of quarters and prisons, leaving the citizens free that they may attend in the precious time to their farms and improvements, or their labors, as the reverse would be an irreparable damage to all the community that are favored at this point, as it is necessary for the sustenance of life.

24th. The prudence of the Governor will give the greatest splendor to his actions, causing them to appear in the manner of their execution, which in his opinion and understanding all future domestic dissentions and cut them from the country, that similar disorders may never return, this being the will of His Excellency.

25th. As the Cavalier Governor gives to each one the good treatment and esteem which their acts merit, not oppressing them with labor or with words, that which it is allowed to all authority which is bound to apply to the crime the penalty which the law provides, or that which is left to his discretion.

26th. He cannot disturb the particular individuals of that vicinity, who leave for the adjoining provinces, or to where they may think proper, for the purpose of conveying their effects, or on other private business, because this right is common to all people, there is no special law to prevent it, and should only be prevented, *and should only be prevented,* when they take the grain which is absolutely necessary for the support of the towns.

27th. For the remainder the Governor shall give them passports that they may not be molested, obligating them to receive said passports for a limited time, and designating the lands or country to which they are bound, which cannot have any other result than to make the government insufferable to those citizens, and to retard others from attaching themselves to the towns.

28th. They are not less pernicious then that experiment in an arbitrary manner in punishing crimes: these have penalties imposed by the laws, which shall henceforth not be considered weighty for light offences, nor shall new inventions be permitted for punishment only in very atrocious and rare crimes, for which, using the prison fetters, and "Zepo" shall not be placed on any one in the "Aupa" or "Zepo" irregular to which at one time the feet and hands were subject.

29th. The correct administration of justice, notwithstanding a distinction shall be made of the persons in the manner, they shall

not be exempted in the substance, therefore, without attention to any human, the Governor is bound to give to those who have performed a special service, to both natives as well as to the disabled and poor, a preference for their upright conduct.

30th. The Cavalier Governor must be well instructed in the many changes and repeated ordinances and provisions of our Catholic Monarch directed to the Viceroys audencias and governors to the end that he may solicit and promote the conversion of the gentiles, not reserving the greatest expense to his royal treasury to the greatest activity; therefore I recommend to you specially this cause, and that you will give to it all your attention to the end of securing this most noble object, giving to the Royal Missions, all the assistance that may be possible, that their exertions may be continued with solicitude for the faithful and unfaithful who solicit in flight the barbarous liberty of the woods, and all that may be proper for their better instruction and learning in Christianity and civilization.

31st. For this purpose union and harmony should be enjoyed with the ministers, according to them, all that may be conducive to these ends, provided always, that their opinions are directed to the well-being of the infidels and the neophytes, because it is the expressed will of our sovereign, as also of his glorious progenitors, he prefers the cause of these to that of those of the other vassals in these kingdoms.

32nd. Notwithstanding that these barbarous nations are viewed with commisseration that are confined to these frontiers, the Cavalier Governor shall not permit them to steal, kill, and other hostilities which they execute without punishment, not regard the express title of peace that they may be prosecuted, and prevent them from augmenting the war upon our land, for it is the will of the sovereign.

33d. Of all of which and with the most rigorous penalties he is prevented and he shall prevent others from giving to the Indians, under no imaginable cause whatever, fusils, escopitas, lances, knives, powder and balls, because it has been ordered by the laws as well as by the express will of the King, upon which he shall place all vigilance and care that may be possible to secure the most punctual observance, applying all the rigor of the law to whomsoever shall commit this weighty and prejudicial offence, and upon whomsoever may consent to or conceal it.

34th. A long experience and knowledge of the painful manner with which the hostile nations of the north have proceeded, has taught us to hear their propositions with the most prudent caution, then they ask villages, they are offered towns, and they ratify peace when they feel the vigor of our arm, or to free themselves effectually from constraint, or the better to execute their acts securing themselves in our confidence and carelessness: Therefore the Governor shall never in virtue of similar proposi-

tions, promote in the name of the King such matters, nor shall they apply to the Captain-General without advising me of the principles and solid basis upon which they would demand a prudent belief.

35th. The war between the barbarous nations, principally those of the north and the Apaches, it is convenient to the internal provinces their forces being diverted among themselves cannot cause the damages and commit the ravages which united they execute against these citizens and towns, therefore the Cavalier Governor shall observe so far as possible, strict neutrality and indifference, avoiding them entirely:

36th. In pursuance of this maxim leaving to my direction by the decree of the Most Excellent Viceroy of the 16th of March of this year, that which I am bound to execute with the Indian Josef Miguel of the Lipan nation pertaining to the (Lipan Nation) Mission of San Antonio, whom is found a prisoner in this town, I order that the Governor liberate him, restoring him to his mission, as I deem it the most proper, and the father priest of the aforesaid mission Frey Asisclos Valverdo, having thus solicited, and it being proper also to the tranquillity, that is manifest by the Lipan Indians with whom we are bound to maintain a good correspondence, while they do not give cause for the contrary, which duty I have given strictly in charge to Captain Rafael Mariano Pachecas.

37th. And finally, the Governor is bound to use all possible means to return to the village of San Fernando, the citizens and settlers who from the discipline of the officers are absent therefrom, taking into consideration the increased expenses incurred by his Majesty in the removal to said village of the Island families with the laudable intention of settling it, and consequently he is not bound to verify those who for learned reasons were exiled, the Governor entrusted with the execution of the act to be responsible for the charges that are made for the loss of their movables, country property and other ravages that may have originated from similar decrees, beyond which he is not bound to take them without they appear learned, then the ancient ordinance of towns only gives authority to the Governors and Captains of the internal provinces of forming the respective causes of a condition for settlement, giving an account of them to the Most Excellent Viceroy in whom alone resides the authority of pronouncing that which may correspond to the crime.

38th. That my decrees may be executed speedily in the province of Texas, the Cavalier Governor shall advise me weekly of all the news that may occur, remitting to this end his letters to the town of San Juan Bautista of Rio Grande, Mr. Vicente Rodriguez, who remains in charge of their speedy direction, to my hands, the said Governor giving his careful attention to the observance of this article.

39th. There remains detailed all the operations which in my opinion may facilitate the speedy establishment of the Royal Regulation in the Province of Texas, and that are calculated to assist the Cavalier Governor in his political government, in which practice he shall esteem the people of that country, and accord to them the confidence which on the present occasion they have merited from the Most Excellent Viceroy.

Bayal, camp of our Lady of Dannan, 6th of May, 1773.

HUGO O'CONOR.

GENERAL LAND OFFICE, }
State of Texas. }

I, E. Sterling C. Robertson, translator and recorder of Spanish deeds, in the General Land Office of said State, bonded and sworn, certify the foregoing to be a correct translation of the original document on file in this office. Given under my hand at the City of Austin, on the 9th day of June, A. D. 1851.

E. STERLING C. ROBERTSON,
Translator.

GENERAL LAND OFFICE, }
State of Texas. }

I, George W. Smyth, Commissioner of the General Land Office of said State, certify that E. Sterling C. Robertson, whose name is signed above, is the translator and recorder of Spanish deeds in this office, bonded and sworn, and that the above is a correct translation of the original document on file in this office.

In testimony whereof I have hereunto set my hand and caused the seal of said office to be affixed, at the City of Austin, on the 9th day of June, A. D. 1851.

[L. S.] GEO. W. SMYTH,
Commissioner.

Bill of Exceptions—Continued.

5th. Be it also further remembered, that the plaintiffs after the parties had gone to trial before the jury, and after reading a part of their evidence, then asked leave of the Court to amend their petition by endorsing on the petition, "this action is brought as well to try title as for damages." To which amendment the defendant objected on the ground that such amendment would change the entire character of the action, pending trial, a mere action of trespass to an action of trespass to try title, and on other grounds; and that it would operate as a legal and also as a real surprise upon the defendant, which objections were overruled by the Court, to which ruling of the Court the defendant excepted.

Bill of Exceptions—Continued.

6th. The plaintiff then offered and read in evidence translation

of papers relating to founding town of Santissima Trinidad de Salcedo. Also a letter from Don Sim de Onis to John Q. Adams, dated December 6th, 1817, contained in American State papers, Foreign Relations, Vol. IV. pp. 450, 451. A letter from same to the same, pp. 455, 460. Map of the country to the northeast of the City of Matamoras, contained in the translation made by Albert C. Ramsay, of a work written in Mexico, entitled "The other Side or Notes—History of the War between Mexico and the United States."

Document marked B.

(Relating to the lands of Santissima Trinidad de Salcedo.)

Translation of papers in relation to the founding of Santissima Trinidad de Salcedo, on the bank of the Trinity river and below the road leading from Nacogdoches to San Antonio in the year 1810.

Mr. Ignacio Perez, [L. S.]

Alcalde of the first note of the village of San Fernando and town of San Antonio De Bexar in punctual obedience to the command of the Most Excellent Governor ad interim to you the Alcalde of San Antonio Valero, I command you to publish tomorrow the edict of the following tenor.

Mr. Antonio Cordero y Bustamento, Colonel of Cavalry of the Royal Armies, Military and Political Governor of the Province of Coahuila, New Estremadura, commissioned sub-inspector of its troops, Governor ad interim of this of Texas, New Phillipines, and Commander of the armies of this coast and frontier.

Whereas, on the 8th of the present month, the most Excellent Commander General has resolved by my advice the establishment of two new towns upon the rivers Trinity and Brazos to the founding of which he has resolved to proceed immediately, declaring them according to the law, villages, and denominating the first Santissima Trinidad and village of Salcedo, and the second village of San Telisforo of the Brazos. Therefore and to the end that they may have the due effect for the great and happy ends of the increase of a useful population in this province, I order that this verified resolution be published by proclamation in all the District of the Provinces of Coahuila and Texas of my charge to the end that those who wish to become founders of the aforesaid new settlements, with the understanding that they shall enjoy the qualities and privileges of such; and that there shall be granted to them lands and lots in the name of His Majesty, by oath of perpetual heirship for him, his heirs and descendants, being bound to direct the petitions and lists of the petitioners to the judges of their divisions for their admission, and other ends that may correspond thereto. Issued in San Antonio de Bexar on the 18th of the month of October, of one thousand eight hun-

dred and five, and I sign with assisting witnesses in the absence of a notary, which I certify—Antonio Cardero, assisting—Francisca Nidaurri, assisting—Andres Beinto Carriero.

This is a copy of the original. San Antonio de Bexar, and 18th of October, of one thousand eight hundred and five years.—Ignacio Perez, assisting.—Ignacio Sucero, assisting.—Juan Bautista Lira.

On the twentieth of the month of October, of one thousand eight hundred and five, the foregoing proclamation was published; in this of my charge was taken the copy provided for in official order of the 19th of the aforesaid, and in consequence I direct it to the Alcalde of the Mission of the Holy Conception, which I certify.

BICENTE AMADOR, (a dibrie.)

C. 20 Mch.

I have read your official communication number 24, of 25th of January last, and enclose copy relative to immigrants from Louisiana, who reside in the same city of Salcedo, and noticing the gravity of the matter, and of the disturbances which have risen therein, there exists an urgent necessity that all should be regulated on the corresponding terms. I order that you proceed immediately to said town, and commence there the visit of the province of your charge, executing with exactitude, integrity, and knowledge, the matters comprehended in this order. You say that immigrants do not assemble at said post, and that they settle with much facility, that they now pass to Louisiana without touching at Alascosito or Nacogdoches, and without the commandant of the Trinity being able to impede them, but having to concede permission to them to go to the Ranchos, as you could not have consented to the settlement of more than are found in the demarkation of the town, which cannot exceed two leagues in each direction, and in case that there should be others which belong to it, you will dispossess and drive them away immediately, for the very obvious reason that their object in settling voluntarily has for its end that of smugglers and contrabandists, and foreigners, by their separation from the chiefs and judges: directing at the same time, with the earliest opportunity, to Nacogdoches a competent officer, to the end that, on the same terms, and under the same verity of the settlement of Ranchos, made voluntarily, without evidence of permission from the Government, at a distance from or near to said posts, he shall destroy and mutilate the class of said foreigners who will divide into individuals, who with the charge of domicil have not solicited anything than to avoid the persecution of their creditors. In others, under the protection of the Royal munificence, aim at improving their condition by chance employing themselves in the abominable practice of contrabandists; and others, the least number who, with a change of government, persuaded of the advantages of the Spanish dominion. The first must be compelled

to return to their place of emigration immediately, at their own expense, and without excuses, escorting them to the frontier, the escort to be competent to prevent them from driving away animals feloniously, notifying them that if they are again found within the dominions of the king, for this only they shall be imprisoned for eight years, as nothing useful can be produced by individuals of such bad faith. To those corresponding to the second class, shall be immediately caused to leave these dominions on the same terms and pains; and to the last class, possessing the remaining qualities provided for, may be secured in their property and assisted to settle themselves with their families, proportioning to them the necessary reliefs; upon which you are to inform me immediately, with all individuality, that they may have the advantage of every possible utility. The Captain, Pedro Lopez Prieto, is bound to belong to the command of the new village of Salcedo, subject to your orders, provided that he discharges it with skill, and conducts your information with skill, and continuing to him of necessity a small salary; if he does not conduct the matter properly, relying as I do rely on your usefulness, interest, and zeal, in the welfare of the province, assisting you with any aid that you may determine in the matter to be necessary. It is not easy to find in the internal provinces, (which are almost in a state of annihilation,) industrious persons that are laborious, who are desirous to remove to the aforesaid new village to improve its settlement, but upon this point you may treat with Colonel Antonio Cordero, whose practice and information you will be subject to, until some measures are adopted relative to the matter in the provinces, whether countrymen or retired military. In those cases where the immigrants are engaged in any crimes or misconduct, you must treat them with rigor, and according to your general laws, and municipal laws, and correct them, imposing the penalties determined thereby, and the other common regulations in such cases, and in the meantime no preference shall be extended to natives born, on the contrary, the asylum and favor is dispensed, to them is a powerful motive which obliges them to submit with more force to the aforesaid laws. This advice, and the motives that are submitted to you in the papers, and institutions relative to immigrants and settlers in the village of Salcedo, which will be forwarded to you by the aforesaid Cordero, are sufficient for you to put that town on foot, the Royal order of division and class of inhabitants that belong to it, to the opinions and prosperity, and security to this province, and you will avoid the misrule in which is found, and banishing from its population persons without morals or love of the King, and that are without any of the qualities that are necessary, and been so often repeated. God grant you many years.

Chihuahua, 22d of February, 1809.

NEMERIO SALCEDO.

MR. GOVERNOR of Texas.

In this Village of the Holy Trinity, on the 16th day of the month of April, of the year eighteen hundred and ten, I, Mr. Pedro Lopez Prieto, Captain of Militia, Cavalry, Commander and Justice thereof.

In compliance with the order of the Governor of the province, Lieutenant Colonel of Infantry, of His Majesty's Royal Army, Mr. Manuel de Salcedo, in his actual and general visit, proceeded to survey the corresponding suburbs of this new establishment, giving two leagues in each direction, and for the purpose I caused to appear before me and assisting witnesses, Hugo Coylo, a citizen of this Village, authorized by the Commander-general of these provinces, for the survey of these lands, and to his person I give faith, and know I caused him to understand the order of the Governor, which is intended for the survey of lands and lots to the citizens of the village, and understanding it said, that he did, and would swear to perform with legality, and according to the best of his knowledge and belief, in the capacity of surveyor, and signed with me and the two assisting witnesses with which I act as a receiver in the absence of a notary, which is not to be found in the terms of right, and on the present common paper, for the want of that which is sealed to all of which I certify. PEDRO LOPEZ PRIETO, HUGO COYLE assisting, JOSE MANUEL PRIETO assisting, JUAN MARK MALDENADO.

In the aforesaid village, same day, month and year, I, the said Judge, proceeded to the first survey, which was taken from the centre of the plaza, course to the south, with a cordel twenty-five Castillian varas of an iron chain, and said chain being taken up by two men, and one skillful and intelligent in lands and other matters, the survey was continued, which arrived with five thousand varas at a grove of oaks, where made a mark, and by being near the river, and not having room for another league to continue the survey, I caused the surveyor to change the course to the east, to the place called the Salt Works, (Salindlas), where marked a very large oak, and set the needle, course to the south, arrived with the second league at the place called the Ranchos, where marked another oak larger than the first, with which variance concluded said survey, and we returned to conclude the following, and the surveyor and pilot, who was Manuel Casarnona, an early settler of this village, signed with me and the witnesses of my assistance with whom I act as aforesaid, of which I certify. PEDRO LOPEZ PRIETO, JOSE MANUEL, CASANONA, HUGO COYLE assisting, JOSE MANUEL PRIETO y GARZA assisting, JUAN MANUEL MALDONADA.

In the said village, on the 17th day of the aforesaid month, placing the cordel in the same point where commenced the first survey, the survey was directed course to the east, and arrived with five thousand varas, which composes one league to an oak that is very large, which was marked, which is a short distance

from arriving at the creek, which is called Vieja, and from this place the needle was put on the same course and arrived unto the second league, to the east point of the prairie, on the lower side, where said prairie concludes, where I marked a large oak, with which remains, concluded the survey of the two leagues on said course, which document was signed by said surveyor and pilot, with me, and those of my assistants, with whom I act as aforesaid, of which I certify. PEDRO LOPEZ PRIETO, JOSE MANUEL CASANORA, HUGO COYLE assisting, JOSE MANUEL PRIETO Y GARZA assisting, JOSE MANUEL MALDONADO.

In the aforesaid village, on the eighteenth day of the aforesaid month and year, I, the said Judge, in company with the aforesaid surveyor and pilot, caused the needle to be placed in the same place where commenced the two preceding surveys, and running a course to the north, the first league arrived at the creek, which is called Despallier, where marked two oaks sufficiently large, and continued the survey for the second league, course to the north; this arrived at the head of the creek, which is called of Esquinel, where maked two oaks and one pecan, (nogal), as they are all united on that sitio, with which remained. I surveyed the two leagues which belong to this course, and the aforesaid surveyor and pilot signed them with me, and those of my assistance, with whom I act as aforesaid, of which I certify. PEDRO LOPEZ PRIETO, JOSE MANUEL CASANORA, HUGH COYLE assisting, JOSE MANUEL PRIETO Y GARZA assisting, JUAN MANUEL MALDONADO.

In the aforesaid village, on the nineteenth day of the same month and year, in view of being concluded, the three foregoing surveys, we proceeded for the corresponding sitio to the west, and placing the needle in the same place where the foregoing were commenced, I directed it to the said course, and arrived with the first league to the point of the lake which is called the Paxaritos, which serves as a landmark, accompanied with a large tree, or post, which I ordered to be planted, as there was no tree of the proper size in the prairie where the said point is, and thence continued the survey for the second league, which was concluded between the two creeks, which are called the Prentisitas, where marked a very large oak, which is on the edge of the road which goes to Bexar, with which remains surveyed the two leagues which correspond to said course, and consequently the four surveys designated to the suburbs of this place, those remaining to be surveyed pieces of land and lots that may be required from time to time, as those who are to receive them may present themselves, which acts shall be performed in continuation to these, after separating the pieces of land applied for by the proprietors, and the pasture land and common, by which I give for, concluded this survey, which was signed by the surveyor and pilot unto me and those of my assistance, with whom I act for the reasons aforesaid, of which I certify. PEDRO LOPEZ PRIETO, JOSE MANUEL CASANORA, HUGO COYLE assisting,

JOSE MANUEL PRIETO Y GARZA assisting, JUAN MANUEL MALDONADO.

This is a true copy of the original, which remains in the archives of this village, from whence I take it, of which I certify and give faith. Pedro Lopez Prieto—José Manuel Maldonado, assisting—José Urbano Flores, assisting.

No. 182.

In reply to your communication of the seventeenth of May inst., in which you request me to inform you fully and clearly of the climate and quality of the lands in this jurisdiction, I say: That the climate is good, because it is cold and warm, notwithstanding some years there is an excess of hail and snow in the winter, and it is excessively warm in the summer, which produces violent fevers, but are not fatal and easily cured; this I have experienced for the three years that I have resided in this place. In the first year fevers were general, in the second less, as also in the third, and I believe that they will continue to decrease in proportion as the place is cleared of the timber and vegetation and other corruptible matter, the miasma from which may cause disease, and to this I have attributed the former prevalence as well as to the lakes within and in the vicinity of the suburbs of the place, which stagnate water for a long time. In relation to the quality of the land, I have to say, that it is good, as well to produce pastures as seeds of all qualities; the land is a mixed sandy soil, oily, fertile and nitrous. The crops that these inhabitants have cultivated are corn, beans, wheat, fruit of all classes, garden seeds, fruit trees, cotton, and all kinds of seeds and domestic trees; on the margins of the river there is an abundance of cane land, which experience has shown to be of the best quality for all kinds of farming, as also for pasture for the sustenance and maintenance of stock in the winter, when the short pasture is covered by the frost and snow; in many places the timber grows very tall, and in many places the lands are nitrous, very productive, and the best quality to fatten stock, horses, cows and the smaller class, such as sheep and goats; also, salt lakes, from which salt may be made in a sufficient quantity to supply the citizens, who at the present day do not make it in consequence of their poverty, being in want of all commerce, foreign and domestic, their occupations being confined to stock raising, cows, horses and hogs, and not in quantities that will produce more than their maintenance for the want of a market for the produce of their labor and industry. In relation to the second, there is no introduction of commerce of which they can avail themselves, nor no other resource but the Capital of Bexar or Nacogdoches, when they have occasion for the necessaries of life. In relation to the species and quality of its timbers, meadows and pastures: In the pastures there is a vast quantity of timber in a manner that does not impede the grazing of animals, and of

the most advantageous quality, producing a fine quantity of pecans, capable of forming a branch of commerce, and at the present day is only used by the inhabitants as a means of sustenance. There is a vast quantity of wild fruit trees, bearing fruit, which afford sustenance to the poor people in the country, such as mulberries, "sarsa-moras," persimmons, "huagaves," grapes, Indian chocolate (yopon,) sassafras (vipernia,) and yerba-anis (goldenrod.) In regard to the timber for building, there is a sufficiency of especially large oaks, and of various qualities, all useful, such as mulberry, cedar, pine and cypress; notwithstanding these are not found in abundance in the vicinity of the place, but at the distance of four or five leagues on the margins of the rivers below towards Atascocito. In the same manner stone may be obtained with facility at an equal distance, and if not required in great quantities, it may be found within the suburbs. The river, upon the margin of which the town is established, is navigable in the winter and spring seasons, and occasionally until summer, and capable of carrying down any ship or brigantine, and for a small vessel or large perigue, it is navigable all the year from this place to the sea, without any other obstruction than three falls from here to Atascocito, which are not in the way when the river is sufficiently high, but if it is desired to obviate all difficulties a channel may be opened in them without any other expense, as I am informed, from Atascocito to the mouth in the sea. These falls are of sand, and with a little expense a breach may be opened in them, which by a good calculation and the information which I have of them, from a personal conversation with one who has passed from here to the sea, will not exceed one thousand dollars to place this river in a navigable condition from this place to the sea, which would be of great utility to these citizens, and upon which depends their prosperity, and for want of it are bound to suffer. Through this means they hope to export the produce of their industry, and consequently the importation of necessaries to assist them in the arts of labor, viz.: to cultivate their cotton, grind their wheat and corn; for which objects they can erect windmills and mills managed with animals, as the rivers and creeks have not a sufficient fall for mill-seats. When the river is sufficiently raised and with a favorable wind, they can sail from this to the mouth of the sea in two or three days. The river does not possess the facility for irrigation. The seeds that are sown mature, and the crops are gathered early; but commonly they enjoy fine rains, because it is a climate that abounds in water, and when this fails they enjoy abundant dews, which fertilizes and invigorates the plants; this country has roads and trails by which is facilitated the introduction clandestinely of prohibited articles from the province of Louisiana, which may be prevented by a few troops on the alert, and I am informed by skilfull pilots, that they may be stopped by securing the pass of the Neches or the Conchati road

and the other on the Trinity river, at the second fall, and that without more cost than the labor of felling timber across the road of which these rivers abound. There are also two entrances known, the one of the Sabine river on the Atascocito road, and the other above the post above the Atascocita, which may be remedied in the same manner, being the only unusual entrances. It seems to me that a party of ten men would be sufficient for its complete redress, which the tranquillity of this province requires. The aforesaid means of entrance being closed, it remains to guard the mouths of the rivers and bays from Atascocito to near Matagorda, where they run in and make speedy embarcations; but this is not practicable by land in consequence of embarrassments from the many lakes and gnats along the coast as well as the outlets being uncertain. The foreigners avail themselves of these advantages, making frequent visits to these entrances. In regard to the facility in roads for communication from Atascocito to Nacogdoches, the nearest posts to this place, I am informed, that there may be, at a small cost, with great advantage to the public and good service to the king, a road opened to Nacogdoches, which would render the distance less than on the two roads that are travelled, with the improvement, that it would avoid the creeks on the one, which in the rainy season stops the travel, and the planes and lakes on the other, that are impassable on a similar occasion, in which I reply to your order of the 16th of May, for necessary end. God grant you many years Trinity, 31st of May, 1810. Pedro Lopez Prieto. To the Lt. Col. and Governor Mr. Manuel de Salado.

No. 183.

I have informed you upon the articles comprehended in the order of the 16th of May, inst., which contains finally that which I shall inform you upon the intimation, lives and customs of the inhabitants that are recognized by this jurisdiction, and of the public settlements (towns) of which it is susceptible, their number and condition for the promotion of civil and christian education, and to propose the means and qualifications that I may consider necessary for their foundation and subsistence. I am bound to say to you, in relation to the first, that within the term of three years that I have had charge of the jurisdiction, it has not been necessary for me to institute any judicial proceedings whatever against any actual citizen, and there are none that may be declared immoral, maintaining a regular course of conduct, and inclining to farming and stock raising.

In regard to the second, I have nothing upon which to form an opinion, and therefore ignorant of the place where the public establishments have to be formed. In a new settlement like this, in which there are no funds or means in the citizens, I believe that they can only be founded by the assistance of our sovereign, as

they do not possess the means necessary for promoting an enterprise of the kind, for its founding and subsistence, and to employ a master for the schools that is so necessary for the children to learn the dogmas of our religion, that they may be useful to their Republic. The proportion among its inhabitants would not be sufficient to employ and to discharge the duty, and upon this matter I have used my best endeavors and have not been able to consummate it. All of which I propose to you, in compliance with your aforesaid order of the sixteenth of May, inst., which I reply. God guard you many years.

Trinity, 31st of May, 1810. PEDRO LOPES PRIETO.

To the Lieut. Col. and Governor.

Mr. MANUEL DE SALCEDO.

GENERAL LAND OFFICE, }
State of Texas. }

I, E. Sterling C. Robertson, Translator and Recorder of Spanish deeds, in the General Land Office of said State, bonded and sworn, certify the foregoing to be a correct translation of the documents on file in this office.

Given under my hand, at the city of Austin, on the 31st day of May, A. D., 1851.

E. STERLING C. ROBERTSON,
Translator.

GENERAL LAND OFFICE, }
State of Texas. }

I, George W. Smyth, Commissioner of the General Land Office of said State, certify that E. Sterling C. Robertson, whose name is signed above, is the Translator and Recorder of Spanish deeds in the General Land Office of said State, bonded and sworn, and that the foregoing is a correct translation of the document on file in this office.

In testimony whereof, I have hereto set my hand, and caused [SEAL.] the seal of said office to be affixed at the city of Austin, this 31st day of May, A. D., 1851.

GEO. W. SMYTH,
Commissioner.

Letter from Dn. Luis de Onis to the Sec. of State.

December 6th, 1817.

SIR:—The letter of the President embraces two particular points in the paragraph in which he relates the actual state of the political relations between Spain and the United States, of which I wish to have a precise and exact knowledge, to reconcile their true meaning with the sincerity and felicity of the sentiments of which the American Government makes profession, in conformity with those which actuate his Catholic Majesty, when he anxiously

seeks all possible means of settling the differences pending between the two nations, and of strengthening his friendship and the good understanding with the United States on a basis, which being confirmed by the most generous principles of good faith and mutual justice. may be lasting and unalterable, without leaving the seeds of discontent, or ground for fresh differences in future.

The two points I speak of, are first: What relates to Amelia Island; and secondly: What concerns Galveston.

The President announces in respect to the first, that this Island having been taken possession of by a party of people who belong to no country, or if they have belonged to any, they have by their conduct forfeited all right of public consideration or toleration, they having established in the said Island a place of refuge, scandalous by its piracies, and seriously prejudicial by a contraband trade to the United States, chiefly in what regards the clandestine introduction of negroes into the territories of the Union, and the carrying off in flight of others from the same country, his Excellency has therefore determined to put a stop to this evil and has given orders accordingly.

It is my duty to remind you sir, that the expedition which took possession of Amelia Island, was formed and armed at Charleston and Savannah, under the command of the adventurer Sir Gregor McGregor, and wholly composed of citizens of this Republic, in violation of the laws of the United States, the law of nations and the existing treaty between Spain and the said States I denounced this expedition to you at the time and invoked the efficacious authority of the Federal Government to prevent it, and punish the offenders. The expedition proceeded, notwithstanding, from the limits and ports of the Union, to invade that Island, and there committed the excesses upon which the President touches. After MacGregor left Amelia Island the District Court of South Carolina issued a bench writ to apprehend him, wherever he might be found within the American Territories. This writ could not certainly be issued without a legal evidence of the offence, nor could the offence be more enormous, or more notorious in the face of the whole Union. It results from this, that there could be no just ground for converting into an act of hostility, or of public detriment to Spain, the evils which have flowed from the toleration of similar armaments in the bosom of this Union, armaments which had for their object the invasion and plunder of the possession of a friendly power.

I therefore request you sir to be pleased to inform me of the measures the President may have taken on this point, and of his intention in relation to it, in order that by informing the authorities of the King inEast Florida there of, these discontents may be avoided to which an erroneous conception may give rise, and all unfortunate impressions dissipated which might disturb the lively

and sincere desire of conciliation and perfect harmony which actuates His Catholic Majesty.

On the second point, relating to Galveston, the President announces, that in that place, which it is contended falls within the limits of the United States in consequence of the acquisition of Louisiana, a number of vagrant persons had before established themselves and committed acts of piracy very prejudicial to the trade of the United States, and that therefore, his Excellency had also taken measures to correct these abuses.

There are two things which I have to remark on this point. The first is, that the place of Galveston has not been, nor ever could be, within the limits of Louisiana, because at no time did it make a part of it. It has constantly belonged to the crown of Spain. as a Territory absolutely unconnected with and distinct from Louisiana and as such ought to be maintained and protected until the United States produce documents which establish their rights, and annul the titles, till now undisputed, of property and possession on the part of Spain from the earliest times of its discovery and conquest until the present, and this will be determined, as there may be occasion for it, and may be just, at the time of amicably arranging the question of boundaries between the two nations, as his Catholic Majesty sincerely and most earnestly desires, and as I have a hope to verify in a short time, in his Royal name by means of the negotiation which we have established.

The second thing that I have to recall to you is, that the King's troops drove off from Matagorda the vagabond freebooters, who had taken possession of that point, in consequence of which the same adventurers were forced to evacuate Galveston, where they had also established themselves, so that neither of these places was afterwards attacked or infested by them or any other banditti. Moreover, if, by the occupation of Galveston at that time, the United States have suffered injuries, it is notorious that Spain has suffered much greater by the facility afforded to the pirates in capturing Spanish vessels, carrying them into that place, and there selling them to the citizens of this Union. That from this magazine of plunder, they conveyed the Spanish property to New Orleans, and other parts of the United States, in American vessels, as is well known to you, sir, and to all the world. In any event, when the injuries reciprocally caused to American citizens by the government or subjects of Spain, or to the latter by the government or citizens of the United States, were compared or estimated, such an indemnity will be stipulated as is agreeable to justice and good faith.

These remarks and others equally obvious cannot fail to convince you. I am sure they will convince the whole world that there was not the smallest motive for proceeding to acts of violence on either of the two points, which form the subject of this

note, and on which the President has touched in his message. I hope that the intentions of his Excellency will not differ from this opinion, as well as to avoid the disagreeable consequences which might arise from a misunderstanding, as to communicate to the King, my master, the true state of things. I have to request of you, sir, as I now do, a precise and satisfactory explanation of the above mentioned two points, namely, of the measures taken by the President in relation to them, and of his intentions upon the subject. I flatter myself that you will have the goodness to give me the said explanation as speedily as the case requires, and in the meantime allow me to renew the assurances of my high consideration and respect.

LUIS DE ONIS.

A Letter from the Same to the Same.

Washington, January 5, 1818.

SIR:—In my note of the 29th of last month, I proved to you to a degree of moral demonstration which I think to be fully convincing, what are and ought to be the eastern boundaries of Louisiana, and I hope such incontrovertible, decisive reasons cannot fail to bring you fairly to acknowledge that Louisiana neither does nor can include any part of West Florida. As I have not yet received your answer to the said note, it was my intention to wait for it, and not proceed to the examination of the second point of the question of boundaries, before we had agreed on and settled what relates to the first. In order to proceed methodically and not to involve or embarrass the plain and expeditious course of this investigation, but being desirous of not losing an instant in explaining every point relative to so important a matter, I anticipate the examination of the boundaries of Western Louisiana, which is the second point of the question, thereby facilitating whatever may claim your attention as to both in their respective order, and enabling you to comprehend the truth at once.

I might contend that the United States having received the province of Louisiana from France with no greater extent than it had when France received it from Spain, in 1800, and when Spain acquired it from France in 1764, that and no other ought to be the extent which properly belongs to it, without the necessity of recurring to any other reasons or grounds than those resulting from the treaty of St. Ildefonso. Since Spain, having ceded back to France in 1800 only what she received from her in 1764, being that which France sold to the United States, it is easy to investigate and establish what were, and in all that period continued to be, the proper extent and limits of Louisiana. But I am willing to admit that France did substitute the United States in all the rights and pretensions she had or could have, as to what regards the western boundary of that colony when hers, although nothing

to that effect is expressed or insinuated in the treaty between France and the United States by which the latter acquired it; and that the contrary is evidently to be inferred from the fact that France inserted word for word in this treaty the conclusive clauses of that of St. Ildefonso, which speak simply and precisely of the retrocession of Louisiana. I admit (to go into a more copious and irresistible demonstration) that the United States have succeeded to all the rights which France may have had at another period, and I call your attention, sir, to the following observations, before I enter on the examination of the data or grounds on which the United States rest their claims of extending in that quarter the boundaries of Louisiana to the Rio Bravo del Norte.

It is well known that for ages before France thought of forming establishments on the banks of the Mississippi, and therefore long before she had made any in Canada, the crown of Spain possessed the whole territory around the Gulf of Mexico, from the peninsula of Yucatan to the southern cape of Florida. If the eastern part of said Gulf, as far as Panuco, the whole of which was then known under the extensive (generico) name of Florida, was not actually peopled by Spaniards, it was notorious and indubitable that it was discovered by them as early as the year 1511, under the expedition of Juan Ponce de Leon, and that all the coast from the present Florida to Panuco was explored by Francisco de Gavaez in 1518, and also by Hernando de Soto, and continually by other Spanish commanders until 1561, when it was explored and described by Angel de Villafane and Jerge Cereri, said discoveries and descriptions having been made in pursuance of a royal order issued for that purpose, papers of that description being still extant; and it was confirmed that from these remote periods Spain was established as the mistress and possessor of all that coast and territory, and that she never permitted foreigners to enter the Gulf of Mexico, nor any of the territories lying around it, having repeated the royal orders by which she then enforced the said prohibition, and charged the Spanish viceroys and governors with the most strict observance of the same.

The right and dominion of the Crown of Spain to the northwest coast of America, as high up as the Californias, is not less certain and indisputable, the Spaniards having explored it as far as the forty-seventh degree in the expedition under Juan de Fuca in 1592, and in that under the Admiral de Fante to the fifty-ninth degree in 1640.

The dominion of Spain in these vast regions being thus established, and her rights of possession, conquest and discovery being never disputed, she could scarcely posssess a property founded on more respectable principles, whether of the law of nations, of public law, or any others which serve as a basis to such acquisitions as all the independent kingdoms and states of the earth consist of.

Confining ourselves at present to the Mexican Gulf and to the

Spanish provinces situated to the westward of Lousiana, we shall see in what manner Spain extended her population and founded settlements in different parts of the vast territory of which she was the mistress and possessor in this part of the new world. All the country extending from the Rio de la Palmas to the confines of Panuco, in latitude forty-eight degrees, was then included under the name of Florida and crossed the Mississippi. From the time of the expedition undertaken to explore it in 1512 by Juan Ponce, in 1525 by Vasquez de Ayllon, in 1527 by Paufilo Narvaez, and in 1538 by Hernando de Soto, the Spaniards were incessantly engaged in advancing their discoveries and settlements in this extensive country, not only in the line of Luis Monseezo and Pedro Melendoz, between the years 1542 and 1545, but they were constantly so in the line of all their successors. At the time of their first expedition they landed in the Bays of Santa Rosa and Espiritu Santo, or St. Bernardo, surveyed the whole coast and crossed the Mississippi. They penetrated into the countries of Mirrhiqua, Monseezo Umbaracuxi, Aureva, Oculi Apalache, Allapalia, Cofa, Mobile, Chasquni, Guigate, Uhangue, Guochoya and others, which it would be tedious to enumerate. The same Hernando de Soto, after having in person surveyed the coast and interior of the country crossed the Mississippi, and penetrated as far as the Rio Negro in 1542, and died at Guochoya.

No European nation had yet attempted to disturb the Spaniards in their possessions in the new world. None had trod on any point of these territories, and the Spaniards continued extending their establishments as the only nation which had acquired the possession and the property of that part of the American continent and islands. They gave rise to the new kingdoms of Leon and Santander in 1595, and to the province of Coahuila in 1600. They founded that of Texas in 1690, establishing missions, hamlets, and posts, under the name of Presidios, such as those of Bahia del Refrigio, San Antonio, Espiritu Santo, San Juan, Nacogdoches, Ayeses, and San Miguel de los Ados, a short distance from the Rio Roxo, (Red River,) extending themselves to the banks of that river.

Long before they had established themselves in Mexico, where they built the capital of Santa Fé, in thirty-nine degrees north latitude and opened and worked mines in the neighborhood. From thence they spread themselves wide of the rivers that emptied from north and south into the Missouri communicating and trading with the Indian nations. So that from that time Spain considered all the territory lying to the east and north of New Mexico, as far as the Mississippi and Missouri, as her property. These dominions or settlements of the Crown of Spain were connected with those which she had in the Gulf of Mexico, that is to say, with those of Florida and the coast of the province of Texas, which being on the same gulf must be acknowledged to

belong to Spain, since the whole circumference of the gulf was hers, which property incontestably acquired she had constantly maintained among her possessions, not because she occupied it throughout its whole extent, which was impossible, but on the principle generally recognized, that the property of a lake or narrow sea, and that of a country however extensive, provided no other power is already established in the interior, is acquired by the occupation of its principal points. These premises being established and not to be shaken, as they are supported by history, ancient monuments, tradition and irrefragible documents, let us proceed to examine for their origin, the grounds on which your government maintains its pretensions.

As early as the commencement of the seventeenth century, France and England began to form expeditions in imitation of the Spaniards, and to discover points for settlement in that part of America. The French expeditions penetrated into Canada by the river St. Lawrence, and those of the English were directed to different parts of the coast of the Atlantic. Hence originated the basis on which the two nations afterwards founded and extended their respective settlements. I shall now only speak of those made by the French, as they serve as a support to the actual pretensions of the United States. Francis Ribout, an adventurer of that nation, had already penetrated into Florida with some followers towards the end of the sixteenth century, and built the fort called Charles le Fort, but this rash enterprise on the territory of the Crown of Spain, was immediately overthrown and dissipated, the Spanish governor, Pedro Melendez, having attacked and taken the fort, and made prisoners of Ribout and all his people. Mention is likewise made by some writers of another Frenchman called René de Sandoniere, who is said to have landed from the squadron of Admiral Coligny on the coast of Florida in the year 1654, and built a fort, which he named Carolin, about the spot where Pensacola now stands; but the same writers add, that the Spaniards immediately attacked the French, put them to death, and razed the fort or redoubt they had built. Others say that it was on the same fort that the Spaniards afterwards built the fortress of San Augustine, so vague and uncertain is the information respecting these particular adventurers. The story related of Recollet Friar, called Father Hamepin, is still more ridiculous, who is said to have been made a prisoner by the Indians at the time they were at war with the French of Canada and taken to the Illinois, whence he was occupied in exploring the country as far as the banks of the River St. Louis or Mississippi, of which he took possession in the name of Louis XIV, and gave it the name of Louisiana, (doubtless in his secret thoughts and by a mere mental act.) It is added that this friar escaped from the Illinois and returned into Canada, where he related all that he had seen and afterwards published it in France more circumstantially in a memoir, which he dedicated to the celebrated

Colbert. These accounts, and others of a like nature, are contemptible in themselves, even though the facts they relate were authentic, since nothing can be inferred from them to favor the idea started by those who speak of these transient adventurers and incursions.

Let us see what importance can be attached to what is said of Bernardo de la Salle, who in 1579 descended from Canada to the Mississippi and thence built Fort Crevacœur, according to M. de Pratz, or Fort Prudhomme, according to others. What is certain amounts to this, that he only made a rapid incursion from Canada to the Mississippi, as any other adventurer might do, crossing the territories of another nation; that he returned to Quebec without any further result than that of an imperfect exploration of the country, and that he embarked from Quebec for France, whence he returned in 1684 with an expedition composed of four vessels commanded by Captain Beaujeau, to explore the mouth of the Mississippi. This expedition entered the Gulf on the twelfth of December of the following year. La Salle being deceived in his reckonings by the currents of the Gulf, could not find the mouth of the river, and being overtaken by a storm on the coast of the province of Texas he was obliged to take shelter in the Bay of San Bernard. Two of his vessels were captured by the Spanish cruisers, another was lost in the bay and Beaujeau returned to France in the only one that escaped. La Salle having landed with some people and ten pieces of artillery, then built a small fort as a protection against the Indians, and was obliged to change his ground three different times, notwithstanding which the Clancauter Indians, inhabiting the adjoining country, forced him to abandon the fort and retreat by the Rio de la Trinidad (Trinity river). While on this retreat he formed a project of penetrating into the interior of the country, to see if he could discover the fabulous mines of Santa Barbara, but he was assassinated on his route by his own people: and such was the result of the famous French expedition so much talked of. The Indians fell immediately on Fort St. Louis and massacred the small garrison left by La Salle. The remainder of the French who accompanied him shared the same fate. Being dispersed in different directions, after the fall of their chief, they perished by the hands of the Indians.

In the meantime news of this incursion having reached Mexico, the Viceroy, fearful of a repetition of similar attempts, held a council of war, to deliberate on the affair, in obedience to the Royal order issued by Philip II., enjoining the extermination of all foreigners who would dare to penetrate into the Gulf of Mexico. An expedition was then resolved on, to be formed at Coaquila under the command of Alonzo de Leon, to scour the country and hunt out the French, if any were still remaining. Having set out with the necessary force he arrived on the 22nd of

April, 1689 at the place where La Salle had built Fort St. Louis, and on the 24th at the entrance of the bay, where he fell in with the remains of the French vessel that had been wrecked. Having heard in his march that some of La Salle's companions were still wandering about the country, or had taken refuge with the Indians, he shaped his course towards the nation of the Asamais, and was received by them with marks of friendship and respect. He found, however, no traces of the French, as no more of them were in existence.

Alonzo de Leon treated the Asamais with the greatest kindness and called them Texas, which in their language signifies "friends." On the 22d of May of the same year he wrote to the Viceroy, informing him that there existed neither French or any other foreigners in the whole country, that the Texas Indians possessed great attachment and good will to the Spaniards; and that it would be very proper to establish missions and garrisons throughout the country, to prevent any further attempt or incursion of foreigners and to preserve the conquest. This subject having been deliberated upon in Mexico, the mission of San Francisco de Texas was founded in 1690, after that nation had voluntarily submitted to the crown of Spain. The Viceroy of Mexico continued to take effectual measures for protecting the country and preventing the intrusion of every French adventurer. The Court of Spain, on being informed of what had passed, renewed vigorous orders to the same effect, and also gave directions for the instruction and government of the Indians. Such were the objects of the expedition under Don Domingo de Teran, and of that which was effected under the command of Don Gregorio Sabina in May, 1693. Since that period the province of Texas has continued in perfect tranquillity, under the Spanish government, and no further attempts were made by the French to penetrate into any part of it.

You see, sir, that an incursion of La Salle can give France no right to that province, which had long before been acknowledged to be, and was incorporated in the Spanish Dominions. Such incursion was in fact nothing more than the rash attempt of a foreigner to explore part of the territories of another nation, and is not substantially different from that made by Mr. Le Valliant in the country of the Caffreys, to the northeast of the Cape of Good Hope, by which, however, France acquired no right to that part of the Dutch possessions, although they were still desert when the said Le Valliant explored them. What territories are there in the world, especially in extensive dominions, still new and thinly peopled, in which excursions of that nature have not been made by individuals of foreign countries. Sometimes of neighboring nations, (which is the most common) and sometimes of those which, although at a distance, actuated by curiosity or ambition, undertake to explore unknown countries, inhabited by other people, and

governe l by other powers. Nor can I refrain from recalling here what has been written and thoroughly investigated, touching the pretended settlement of the French in the Illinois and Arkansas.

Whether they were some of the individuals of La Salle's expedition who had survived it, as M. de Pratz has it, or whether they were other adventurers from Canada, it seems beyond a doubt that some Frenchmen penetrated as far as the Arkansas, towards the end of the seventeenth century, or the beginning of the eighteenth, on which point, however, the records of that period do not exactly agree. Enterprising people from Canada, both Frenchmen and natives, communicated with the Indian tribes, and penetrated far into the interior, to purchase cattle, and for other purposes of traffic. Some of them, therefore, fixed themselves at the post of Arkansas, not as settlers, but as agents to carry on the trade between Canada and the natives of this district. The same took place at the post of the Illinois, long before the first foundation of the French colony of Louisiana was thought of.

Father Marquez, a Jesuit, had penetrated, in 1671, as a missionary, into the Indian nation called Salteux. as far as Chaguanigung, on Lake Superior; and in the year following, one Saliet, with a view to explore the Mississippi, proceeded from Canada to Chaguanigung point. After joining Father Marquez, they both advanced and succeeded in penetrating by that river to Ouisconsin, they met with a considerable population in the country of the Illinois, at the mouth of the river Monigera, and after promising to visit them on their return, they suggested to the Indians the idea of entering the country by the river, since called the Illinois, and the Indians did so, and settled in a district known by the name of the Great Rock, or Great Penasco, about five leagues higher up than the mouth of the river. Saliet and Father Marquez could descend the Mississippi no farther than the mouth of the Arkansas, and on their return from their excursion they found the Illinois encamped at the mouth of the Great Penasco. Saliet continued his retreat, and Father Marquez determined to remain with these Indians, to instruct them in the principles of the Christian faith. In this attempt they were succeeded by other missionaries, who, afterwards, proceeded to found a church there sufficiently regular, composed of Illinois and Canadians, who had met and united with each other. These people were no wise subject to the French Government, but lived independent, in the manner of several Indian nations bordering on the United States. Several other Indians of the Miami and Shawnee tribes came and settled themselves near the Big Rock or Great Panasco, but they disagreed, and soon after dispersed. A party of the Illinois went down the river, and settled at Caihokia, on the left bank of the Mississippi, fifteen or sixteen miles below the mouth of the Illinois. Other missionaries followed them, and thus went on this kind of colony, informal and

wandering, but always independent of and unconnected with the French of Canada.

Let us now speak of the settlement of the French in the country called by them Louisiana, the first spot occupied by them in this country was the Bay of Biloxi, about thirty leagues to the eastward of the Mississippi, in the year 1699, or more strictly speaking in 1700, and Mobile, a little further eastward, where they established themselves, was during two and twenty years the capital of their new colony. From that time they observed the greatest caution in the settlements thus formed on the banks of the Mississippi. Seventeen years had passed since the foundation of their when they ventured to raise some huts on the left bank of that river, and this was on the spot now occupied by New Orleans, which five years afterwards became the capital of the colony. When the intimate relations between France and Spain, but only by virtue of the family compact, but more particularly by the elevation of Philip V., to the throne of Spain, favored the toleration of a dextrous encroachment on the territory, which was acknowledged to belong to that monarchy. In 1722, the French succeeded in fixing some German families on the right bank of the river, opposite to the settlements which they already had above and below the City of New Orleans; they afterwards settled some Canadians a little higher up, and finally, some others at Point Coupée. But the whole limits of these colleges or settlements did not extend to more than fifteen or twenty acres of land upon the point of the river, so that the French seeing a want of cattle, and feeling the necessity of establishing herds, to keep up a supply, turned their views to the extensive and fertile prairies of Allaekapas, and the Governor of Louisiana, thereupon applied to the commandant of the interior provinces of Mexico, for permission to establish seven herds only, which were frankly granted to him by the Spanish Commandant. In fact they had nothing more than cattle establishment in Allaekapas and Opelousas, when the colony was transferred to Spain in 1764. They had never gone further, and it is to the Spaniards that the colony is indebted for the extensive population and cultivation of that part of the territory, afterwards ceded back to France, and transferred by her to the United States. As was also the case in the settlements La Fourche Aoogeles, the Rapides and Ouchita, which did not previously exist, but were formed by the Spaniards, within the proper limits of the monarchy.

From hence you will clearly see, sir, that so far from Spain having retained any point belonging to French Louisiana, when she ceded it back by the treaty of St. Ildefonso, she left incorporated with it many points, settlements, and territories, which, in truth, did not belong, nor ever had belonged, to the said colony.

It would be too fatiguing to trace, step by step, all the incursions of the French from Canada, or from Louisiana, into other points

of the Spanish Dominions, by passing through Indian nations or uninhabited countries. I cannot omit, however, touching on the actual circumstance which gave rise to their settlement at Kaskaskia, twenty leagues below Cahokia. The inhabitants of Illinois, which had no connection or dependence whatever on Canada, at length undertook to go down the river and trade with the French at Biloxi and Mobile Bay; and these traders having discovered fertile and beautiful prairies on the right of the small river Kaskaskia, several of the French settlers removed hither in the year 1703, and founded what is now the town of Kaskaskia; but they always lived independent, and in alliance with the Indians, until the Louisiana Company sent M. de Boisbriant, as the King's Lieutenant with troops, to reduce and divest this settlement. It was afterwards considerably increased in the hands of the French, who successively formed the settlements of Chartres, St. Philip, Prairie des Raches, and Prairie Dupont, but still, as you perceive, sir, on the left bank of the Mississippi; and it was not until several years afterwards that they settled St. Genevieve, opposite Kaskaskia, on the right of the said river—an inconsiderable settlement—which made no progress until the country was ceded to England.

In fine, all the written documents and historical evidence relating to French Louisiana, agree in dividing it into Upper and Lower, and proving that Lower Louisiana is bounded on the north by Bayou Manchoe, by which it communicates from the river Mississippi to the Iberville, and that Upper Louisiana commences above the said Bayou, the Port of Natches, being the principal settlement of the French in that quarter, in whose neighborhood they cultivated tobacco. The settlement of Natchitoches, which they afterwards formed, was considered as depending on Upper Louisiana.

It would be easy to prove that this latter settlement was made by the French without Spanish territory, and merely through the condesention or sufferance of the Viceroys of Mexico, and the Governors of the Province of Texas. Before the French had founded New Orleans, there already existed the Spanish Missions or settlements of San Francisco, San Purissonia Conception, San José, and Nuestra Señora de Guadalupe, at a very short distance from Nachitoches, and the right of property and possession on the part of the crown of Spain to the whole of this territory, as far as the Mississippi, was notorious.

I am aware that the French attacked the Missions of Texas during the war between France and Spain, under the Regency of the Duke of Orleans, that for this purpose they proceeded from the post of Natchitoches, that the Spaniards retreated to San Antonio de Bexar, till the Governor of the province, the Marquis de Valerio, advanced to chastise and keep the enemy in check. This commander marched against them in 1719, and drove them from

the Spanish posts, and obliged them to shut themselves up in Natchitoches.

This expedition is connected with the authentic facts with which M. du Pratz has made up so ridiculous and fabulous a tale in his History of Louisiana, when he speaks of a Frenchman of the name of St. Dennis, and supposes certain connections entered into between him and the Duke de Linares, Viceroy of Mexico. In 1715 St. Dennis penetrated from Mobile to the Spanish garrison of San Juan Bautista, with three companions and a passport on the pretence of going to buy cattle in the Missions of Texas; but in reality, to carry on a contraband trade, and explore the country. Both he and his companions were seized and conveyed to Mexico. After a variety of adventures, St. Dennis made his escape, and was one of those who set out from Natchitoches, with other Frenchmen, to attack the inhabitants of Texas as I have before stated.

After this event the Marquis de Aguage came to Texas, re-established the old missions, and founded new ones, viz.: Pilar Adoes, Soreto, at the Bay of Esperitu Santo, on St. Bernard, and Dolereo, known by the name of Orquizaco, he greatly improved San Antonio de Bexar, and placed the whole frontier of the province in a respectable state. Thus the Spanish settlements remained tranquil until Louisiana was ceded to Spain, when the garrisons of Adoes and Orquizaco were suppressed as being no longer necessary.

As a further proof that the post of Nachitoches was acknowledged even by the French as being within the Spanish territory, I shall add two facts. The first is, that when Captain Don Domingo Ramon came with a party to Texas, after St. Dennis and his followers were sent to Mexico, he paid a friendly visit to the French at Nachitoches, and entered that fort with the royal batona and insignia, as a sign of the dominion and jurisdiction of Spain, to which the French made no opposition. The second fact is, that in the year 1792, the French Governor of Nachitoches being desirous to remove that fort, which had been injured by an inundation, somewhat further from the bank of the Rio Roxo, (the Red river,) he waited on the Spanish Governor of the Adoes, Don Manuel de Sandoval, and requested the necessary permission to do so. Sandoval granted it, as the site to which he wished to remove it was no further than a musket-shot from its former situation. Notwithstanding, the Viceroy of Mexico, on being informed of this act of accommodation, highly disapproved it, and despatched Col. Don Francisco de Brito to Adoes to supersede Governor Sandoval, and bring him under a guard to Mexico, to be tried there before a court martial, which was carried into effect with all the rigor of the law.

It is unquestionable, from the historical series of facts and the most unexceptionable documents, that the province of Texas extended to the Mississippi, and that the French never crossed the river into that district but through the sufferance or permission

of the Spanish governors; and that in consequence of the former abusing the generosity with which they were permitted to trade with the Indians of that territory, and to hold for that purpose only the posts of Naches and Nachitoches, positive orders were issued to drive the French from the whole district, and destroy the said posts. The Spanish Commandant advanced with a sufficient force to execute these orders; but he acceded to the proposals of the French at Nachitoches, which were confined to this: that Arroyo Hondo, which is midway between Nachitoches and Adoes, should be considered as the dividing line until the determination of the two courts. In this state things remained without further change, and so continued until the cession of Louisiana to Spain relieved these provinces of Spanish America from all embarrassment and trouble from the French. But it always was an undeniable fact, established by the irresistible titles and documents, that the French neither held nor had held, to the westward of the Mississippi, in 1719, any other post than that of Nachitoches, which they held merely by the condescension of Spain, and that the Spanish settlement of the Adoes, only five leagues distant from the Rio Roxo, (Red River,) existed much earlier, and did so exist, until Louisiana was transferred to Spain. The parochial records of Nachitoches and Adoes, with the registers of births, baptisms, and deaths, attest it still more circumstantially, as well as the proceedings of the pastoral visit made in 1805 by Don Primo Feliciana Maria, Bishop of the new kingdom of Leon, who visited the district of Adoes and the whole province of Texas.

The right which Spain always had to all the territories to the north and east of New Mexico, as far as the right bank of the Mississippi and Missouri, is proved with equal certainty. All these territories and the different branches, falls, and waters of the Mississippi were always comprehended within the line of the Spanish dominion in that part of America, from the early period of its discovery and conquest. Although the French penetrated several times from Mobile and Biloxi to different parts of that line, they never acquired any rights to them. Their excursions were confined to trading or smuggling, or exploring the country. The huts or posts which they had in some Indian nations were trifling establishments, clandestine and precarious, which they were unable to preserve. The Spaniards had traded much earlier than the French with all these Indian nations, with the Missouris, extending along the river of that name, the Paducas, beyond the river La Platte, and still farther to the northwest with the Sultanes, and, finally, with several others, as being within the dominion of the crown of Spain.

The French themselves never disputed the right of the Spaniards to possession and property, nor laid claim to these parts of the territory of the Spanish monarchy. The Court of France

always took the greatest care not to injure the rights of Spain on all occasions of making grants of land in her settlement of Louisiana, and the French settlers at all times carefully respected the right bank of the Mississippi, throughout its whole extent, as the well known property of Spain. No memorial can be found declaratory of a contrary opinion, except a decree of Louis XIV., dated at Fontainebleau, on the 14th of September, 1712, in favor of M. Crozat, ceding to him and to the company formed by him the French settlement of Louisiana, with an ideal and vague demarcation of boundaries, by extending them mentally to New Mexico and the English province of Carolina, and along the Mississippi from the sea to the Illinois, etc. It is evident that the Court of France did not then possess any knowledge of the geography of that country, or that New Mexico was considered as bordering on the Mississippi; notwithstanding Louis XIV. had carried his liberality so far in that grant as to give the French company even the rivers Mississippi and Missouri. He might with equal reason have given those of the Amazon, the La Platte, the Oronoko. You are perfectly aware, sir, that the expressions of this grant are vague and absurd. They never could alter the fixed limits of French Louisiana, or of the Spanish possessions. The grant of Louis XIV. was always considered as an act of a disordered imagination. The Spaniards constantly preserved their dominion over all the right bank of the Mississippi to the Missouri, and over all the territories and waters from the former to the right bank of the latter. Even the French themselves, notwithstanding this famous grant, never ventured to go beyond the certain and well known limits of their settlement, or violate those of the territory and dominions of the crown of Spain. It is therefore of no consequence to us if such a blunder was committed by those who penned the said grant at Fontainbleau. If a document of this nature was sufficient to dispossess a nation of its dominions, or any part of them, what security could there be in any part of the possessions of independent kingdoms and states? Can there be a mind capable of conceiving that such a paper can fail to be absurd and completely despicable, since it never took effect, has always been resisted as rash and extravagant, and since the incontestible rights of Spain to the property and possession of the said territories existed then and do still exist? Certainly not.

The Court of France was immediately sensible of the extravagance of that grant, as no further mention was made of it. On the contrary, when it ceded Louisiana to Spain in 1764, M. Kerlet, who had been many years Governor of that Province, was ordered to draw up a memoir containing a proper description of its extent and limits. This memoir, delivered by the Duke of Choiseul, Minister of France to the Spanish Embassador at Paris, as a suppplement to the Act of Cession of Louisiana, agrees sub-

stantially with that which I have just now pointed out. I would carry this demonstration still further if I thought it necessary, and I will do so if you shall have anything to object to it. In the meantime, I now confine myself to declare to you, Sir, and to the Government of the United States, in the name of the King, my master, that although Spain has an original and indisputable to all the right bank of the Mississippi, his Majesty has resolved to claim this right solely with a view to adhere to the uti possedetis, or state of possession in which the Crown of Spain was, when she acquired Louisiana in 1764, and in which that of France was at the time she made the cession. His Majesty, paying due respect to all such treaties and conventions as have caused a change in the state of possession of the two nations in that part of America, religiously confines himself to the express period when Louisiana was circumscribed by the well known extent and boundaries, with which it passed into the hands of the United States.

As these boundaries to the westward of the Mississippi, although always notorious and acknowledged, have not been marked out with the formality necessary to avoid doubts and arbitrary pretensions, and as it is only evident that they undoubtedly proved from the Mexican Gulf by the river Mermente or Mermentas and Arroyo Hondo, by drawing a line between Natchitoches and Adoes, which crosses the Red River and extends towards the Missouri. I have done no more than point out a basis for a line of demarcation; and after we have formally agreed on this basis, a commission composed of Spaniards and Americans, formally appointed and authorized by their respective governments, can and ought alone to examine and fix the boundaries between the possessions of the two powers. Keeping in view the documents exhibited on both sides, and comparing them on the spot with the points to which they refer. The basis I now speak of as necessary for this demarcation of boundaries, must be sought for in the most marked leading and notorious points which showed the proper direction and extent of the Territories of Spain, France and England in 1763 and 1764, since we cannot seek for them in preceding periods, the possessions of the three powers in this part of the American Continent being then very different from what they have been after these periods, in virtue of public treaties which are and ought to be inviolable.

The situation, therefore, of the three powers until 1763 was as follows: The Crown of Spain extended its dominion to the east over the right side of the Mississippi, from its mouth to the mouth of the Missouri, and to the north over the right side of the latter river from its mouth to its source. Florida already contracted by the intrusive settlement of Louisiana, commenced at the River Perdido, and extending eastward towards the River Santa Maria, St. Mary's, included the whole peninsula, which

extended as far as the twenty-third degree of south latitude. Its northern boundary was not yet fixed. In addition to the Colony of Louisiana, such as I have shown it was, and ought then to be, France possessed the Territories of Upper and Lower Canada, extending south to a line running from the Aliaomoa, and following the chain of the Alleghanies until it struck above Chaleur Bay. England, extending her possessions to the south of the said line, on the coast of the Atlantic from the River St. Mary to the River St. Croix, and added to these possessions all the territory lying north of the two Canadas, as far as Hudson's Bay and Lake Winnepeg, which had been ceded to her by France at the peace of 1713.

But France, as you know sir, was, by the treaty of 1763, excluded from the Continent of North America, with the exception of Louisiana, then reduced to the Island of New Orleans, and to the tract of country to the north of the Missouri, and extending to the British Possessions. By that treaty, she ceded to England both the Canadas, and all that part of Louisiana extending over the left side of the Mississippi from its source to the Bayou Mauchoe, and thence following the left of the river Iberville, the Lakes Maurepas and Ponchitrain, the coast and islands to the river Perdido. Spain ceded in like manner Florida to England, such as I have described it; and in the year 1764, which is the second period, when it is necessary to distinguish and fix the basis referred, she acquired by cession from France the remaining portion of Old Louisiana. She afterwards acquired what France had ceded to the English on the left of the Mississippi, and Florida also, which she ceded to them in 1763 and 1764, before mentioned, are those which it is necessary to keep in view, together with that of St. Ildefonso, by which Spain ceded back to France what she had received from her, and France accepted the delivery, declaring herself satisfied, and taking possession by virtue of an act of his Catholic Majesty, which expresses the retrocession of Louisiana by Spain to France such as she had received it from France in 1764.

The treaties between France and the United States, and between the latter and Spain, (the first in 1778 and the second in 1795,) must likewise be kept in view to illustrate incontestible rights and establish unalterable principles. To the treaties just mentioned, your government and his Catholic Majesty may add all such other titles and documents as may be thought necessary to remove or settle any doubt which may arise in the subject matter to the end, that a basis of demarcation may be laid down upon a due understanding, and established and fixed with the greatest possible exactness.

You are perfectly aware, sir, that there can be no other just way of settling the dispute in relation to the question of boundaries, and that is the one which has always been adopted

by all nations in similar cases; it being the anxious wish of his Catholic Majesty that this demarcation may be so accomplished as to leave no room for doubts or controversy in future, by proceeding to it in good faith, and in a manner that may be satisfactory to both parties.

I therefore conclude this note with the same opinion I expressed in my former one, namely, that it is indispensable to examine and agree on the points necessary and essential to the establishment of the true boundaries which separate, or ought to separate Louisiana from the Spanish Dominions; and that this can only be determined by the mode proposed. If you will be pleased to point out where any other, which, while it fulfills that object, may be conciliatory and compatible with the rights and honor of the Crown of Spain, you may be assured, sir, that I shall adopt it with pleasure, as I shall thereby further the intentions of my Sovereign, which are to terminate as speedily as possible, the disputes now pending in an amicable manner, so as to leave no spark of disagreement in future.

With these sentiments I have the honor to offer myself to your disposal, and pray God to preserve you many years.

LOUIS DE ONIS.

Map.

Of the country to the northeast of the City of Matamoras, contained in the translation made by Albert C. Ramsey, of a work written in Mexico, entitled, the "Other Side, or Notes, History of the War between Mexico and the United States."

[The book containing this map is not on file in my office, nor has it ever been. The copy which was used in evidence was a private copy, nor can the work be procured in this city.]

JAMES LOVE, *Clerk.*

Bill of Exceptions (*continued.*)

John S. Jones, called and sworn, testified, that he is Deputy Clerk of this Court; has had in his custody the papers filed in this cause and that in Chancery between Rafael Garcia Cavozos and others vs. Charles Stielman, and others, No. 41; that the papers contained in each package of the depositions in both causes were taken from such packages when opened, and marked with a number corresponding to the envelope of the package; that he recognizes all the papers connected with the said depositions as the original papers so marked as having been taken by the Clerk from the original packages; he has seen them and handled them a great many times, and made copies of most of them, and he has no doubt that the papers offered by the plaintiffs in evidence as hereinafter set forth are the original papers contained in the several packages of depositions returned and in this cause, and in the other above mentioned.

Bill of Exceptions Con'd.

Be it further remembered, that the plaintiffs then offered in evidence the following depositions with the translations on file. Deposition of Don Nicolas Garza, Don Antonio de la Garza Falcon, and Don Juan Manuel Ramires, Don Romualdo Guerra, José Antonio Zamora, Zipio Munguilla, Blas Maria Cavazos, Antonio de la Garza y Rodriguez and Manuel de la Viña, Victoriano Lopez, Pio Quinto Yrujosa, Juan Longoria y Serna, Marcos Galindo, Calisto Portilla, Juan Prado, Faustino Balboa and Santiago Dominguez, taken under the letters Rogatory in Mexico, to the reading of which depositions the defendant objected because there existed no legal authority for taking testimony in this manner, and because legal notice was not served upon this defendant of the filing of interrogatories to take such depositions, and because this defendant had not the opportunity to file cross-interrogatories. Whereupon William G. Hale, Esq., attorney of plaintiffs, read his affidavit on file in this cause, which is as follows: To which affidavit the defendant also objected as insufficient. The Court overruled all the objections of the defendant, and the depositions were allowed to go, and were then read in evidence to the jury. To which ruling of the Court the defendant excepted.

Affidavit of William G. Hale, Esq.

DISTRICT COURT OF THE UNITED STATES, *District of Texas.* } May Term, 1851.

RAFAEL GARCIA CAVAZOS *et al.*, *vs.* SIMON MUSSINA.

I, William G. Hale, one of the attorneys of the plaintiffs in the above entitled cause, being duly sworn, depose and say, that on the ninth day of February, A. D., 1850, and after filing the sets of interrogatories marked filed of that day, I called at the residence of Joseph A. Swett, Esq., one of the attorneys of the defendant, and informed him that I had filed the interrogatories, and that he could cross-examine if he thought fit.

WILLIAM G. HALE.

Subscribed and sworn to before me, this 31st day of May, A. D., 1851.

JOHN S. JONES,
U. S. Commissioner.

Depositions of Garza, Falcon, and Ramirez.
(*On the Outside Cover.*)

Informacion levantado en el asunto que se denomina Don Rafael Garcia Cavazos, y otros contra Don Simon Mussina, d inst^{a}. del apoderado de los primeros la q. se direje al Surio del Distrito de los E.E.U.U., de America para el de Tejas.
Del Jusgado, 1°. y de 1^{a}. inst^{a}. de Camargo.

Sello Tercero. Par alos años de mil ochociento
Cuatro Reales. cincuenta, y ochocientos, cincuenta, y uno.

Sor Juez de 1^{a}. Inst^{a}. de la Villa de Camargo:

Guillermo G. Hale, ciudadano de los Estados Unidos de America, licenciado de la Corte de Distrito de los dichos Estados para el Distrito de Texas, y autorisado por la dicha corte de presentar á V. S^{a}. la Carta Requisitoria, que acompaño, y Juan Treanor, vicino de la ciudad de Matamoras, y Apoderado de Don Rafael Garcia Cavazos, y D^{a}. M^{a}. Josefa Cavazos, su esposa, muy respetuasamente manifestamos á V. S^{a}., que tanto la justicia como el interes de las dichas partes piden que las deposiciones de los testigos nombrados en la dicha carta seran tomadas segun la forma, y á indicada en ella. Por tanto, A. V. S^{a}. suplicamos se sirva disponer que todo lo necesario, en el presente caso sea á despecado para obsequiar los deseos de la dicha corte.

Camargo, *Abril* 6, de 1850.

GUILLERMO G. HALE. JUAN TREANOR.

Camargo, Abril 8, del 1850.

Por presentado, y admitido cuanto ha lugar en derecho: Hagase celacion de las partes para que presenten los testigos á este Jusgado donde seran declaracionados, y sentados sus declaraciones al tenor de las pregunta del interrogatorio: Nieves Villareal Alcalde 1°. y Juez de 1^{a}. Inst^{a}. de esta referida Villa de Camargo, y su Jurisd^{a}. por este auto asi lo preves mandé, y firmé actuando con testigos de asistencia en falta de Escribano Publico doy fé.

Nieves Villareal.

De-assa, CRISTOVAL MORALES,
De-assa, MAXIMO VALVERDE.

En la misma villa dia mes, y año, ante mi dho Juez, y en este mi Jusgado previo citá comparecio el G. Nicolas C. Garza, y en su persona q^{e}. doy fé conoci le recibe juramento en forma bajo cuyo curgo ofrecio decir verdad en toda lo que supiere, y fuere preguntado, y siendolo sobre la primera pregunta del interrogatorio que contiene el negocio que se titula Don Rafael Garcia Cavazos, y otros contra Don Simon Mussina dijo: Que á Don Rafael Garcia Cavazos, no lo conoce que á la Señora esposa di este Doña

Josefa Cavazos, y á Doña Estefana Goseascochea de Cortina las conoce, y tambio que no conoce á Don Simon Mussina, demandado.

A la segunda pregunta, del mismo interrogatorio contesto que tenia ochocientá, y tres años, y ha vivido dentre de esta republica consu residencia en esta Villa.

A la tercera dijo: Que conocio personalmente á Don José Salvador de la Garza, desde que vino á esta villa, y se caso con D^{a}. M^{a}. Gertrudes de la Garza Falcoñ, que tubes oportunida p^{a}. conocerlo por que ha vivido en esta, y los conocio desde que el de que habla tavo uso de rason hasta su muerte.

A la cuarta: Que Don José Salvador de la Garza, vivia generalm^{te}. en esta Villa, y existe hasta ahora el sitis donde tenia su cosa el cual se halla en la casa conocida por del finado Don Antodio Oliveria que la forma q^{e}. tenia era una sala, y recamara un Zahucan, y tienda, y se fabrico de adoba.

A la quinta: Que Don José Salvador de la Garza, tenia mecchos bienes de campo como uinguna otra en la frontera petadores y estimado como uno de las primeras personas de esta villa que no tiene presente los empleos á degnidades que tendria, y que la condicion é importancia que tenia en esta era la de un hombre que disfrutaba de todas comodidades.

A la sesta: Que D^{a}. Maria Gertrudis de la Garza Falcoñ, fué esposa de Don José Salvador, y solo tuvieron un hijo que se llamo Don Blas Maria de la Garza, y Dos hijas D^{a}. Yaviera, y D^{a}. Margarita.

A la septima; Que no sabe en donde murio Don José Salvador de la Garza, in fha mas de q^{e}. fue en su regreso de Mejico para esta que el tiempo que habia sido casado el dicho Don José Salvador fué mas de trienta años no sabe las has.

A la octava pregunta: Dijo que conoce el terreno sobre la orilla izquerda del Rio Grand, con el nombre del Espiritu Santo, y que la conosio bajo esté mismo nombre desde que tubo uso de rason, y q^{e}. quando fué la primera vez á dho, terreno el q^{e}. habla tendria poco menos de quice años.

Sello Tercero. Para los años de mil ochocientos, cincuenta, y
Cuatro Reales. ochocientos cincuenta, y uno.

A la novena pregunta contestó: Que dho agostadero tiene bastantes comodidades siendo la principal estar cerado por naturalesa per los cuatro rumbos, y por loq^{l}. se llama potrero, por el oriente el mar, por el Sur el Rio Grande, por el poniente el Arroyo Colorado, y un monte espeso, por el Norte las lagunas madres qe pueden del mar, y que segun reputacion general no reconocido por de Don José Salvador, era la comprendido dentre de los puntos, que dijo mencionados.

A la decima pregunta contesta: Que cuando conocio el referido

terreno la primera vez era reputado dueño D. Josø Salvador de la Garza.

A la undecima pregunta dijo: Que tiena bien presente que hubo una controversia entrá Don José Salvador de la Garza, con Don José Narciso Cavazos, y que la causa era que este vultino habia poblado el punte de Santa Rita, que esta dentro del potrero del Espiritu Santo, y se acabó esta lanzandola de dho punto los herederos de Don José Salvador despues del fallecim^to^. de este.

A la duodecima contesto: Que habia Indios que hostilizaban en aquel terreno lo mismo que en las demas de Fronisera cuando el lo conocio, y que en una vez que hostilizaron, siendo el q^e^. habla de corta edad se llevaron los medios bastante caballada de dho punto la cual, parte de ella quitaron los soldados de esla villa en lomablanca, y otra se desperdijo en el Finalés q^e^. tubo la tropa con les Yndios.

A la decima tercera pregunta contesto: Que habia algunos Yndios de paz en dicho terreno denominados les negros, y los mulatos, quienes reconocian por ciuco á Don José Salvador, y ocupaban cualquier poraje que les acomodaba dentre del Agostadero del Espiritu Santo.

A la decima cuarta pregunta dijo: Que ganado mayor vacuna caballar, y mular tenia con estremo Don José Salvador de la Garza, en el dicho terreno que los cerrales, y hacales estaban uvicados en el centro del dicho Agostadero en medio el llano en un chario que le deribo mucho la Agua, se denominá Rancho del Espiritu Santo, y despues se formio otra Rancho con el nombre del Tanque, y le dijeron al Primero Rancho viejo, y mas despues otro en San Martino: que peones tenia los necessarios, p^s^. el rancho, y no habia labores.

A la decima quinta dijo: Que sus caballos, Vds. los tenian en dho potrero, que unicam^te^. los vaqueros puntiaban el ganado pues estaban seguros como que el dicho portrero, solo tenia tres entradas, una por la orilla del Rio, otra fuenté á carrisitos, y otra en el Arroyo Colerado.

A la decima sesta dijo: Que Don Blas Maria de la Garza, se cuso con Doña Francisca Cavazos, hijo de Don Narciso Cavazos, y murio despues de Don José Salvador.

A la decima septima pregunta: Que Doña Margarita de la Garza se casé con Don Pedro Lopez Prieto. Que tubo dos hijos Don Antonio, y Don Manuel Prieto, el primera murio, y el 2°. vive uno en Matamoras.

A la decima octava pregunta: Que Boña Javiera de la Garza, se casa con Don José Goseascochea, quein tuvo dos hijos Doña Estefana, y Doña Feliciana de Goseascochea.

A la decima nonena pregunta contesta: Que han tenido posecion del dicho terreno del Agostadero del Espiritu Santo, despues de la muerte de Don José Salvador de la Garza, como Dueños, y

proprietarios los herederos de Don Pedro Prieto, y Don José Goseascochea, y de Don Blas de la Garza.

A La Vigessima Pregunta responde: Que no há conocido otro dueño del dicho Argostadero que á Don José Salvador y sus herederos y a la merced entendiendo que fué doda por el Rey y no por el Estado de Tamaulipas pues tuvo D. José Salvador que pasar pª el interior con el objeto de traher sus titulos y cuando los traia murió en el camino, pero siempre vinieron los Titulos, á poder de su familiá.

A La Vigessima Primiera Pregunta Responde: Que Dª Estefana Goseascochia de Cortina há vivido mediate el Rancho de Santa Rita, dentre del Terreno de Espiritu Santo, en Diciembre de 1848 y antes.

A La Vigessima Novena, y Ultima Pregunta del Interrogatorio citado responde: Que nada mas sabe que lo que tiene espueste y es la verdad en fuerza de su juramento que há prestado que leida que la fué esta su declaracion dijo ser la misma qº habia dado en la que se afirma y ratifica firmandalo pª constª conmigo dicho Juez y los de un assª en la forma espresada doy fé—entre reglones—y otros—vale—doy fé y un bosque espeso doy fé.

Nieves Villareal,
de assa.
Cristoval Morales.

Nicolas Grcia Garza,
de assa.
Maximº Valverde.

En la espresada villa á nueve del mes y año citados. Ante mi referido Juez y en esta mi Jusgado compareció previa citar Dª Antonio de la Garza Falcón y en su persona que doy fé.

Sello Cuarto,
Un Real.

Para los años de mil ochocientos cincuenta y mil ochocientos cincuenta y uno.

Conosco, le recibi juramento en forma bajo cuyo cargo afreció desir verdad en todo lo que supiere y fuere preguntado y siendalo al tenor de la primera pregunta del interrogatorio que contiene el negocio que se titula Don Rafael G. Cavazos y otros contra Don Simon Mussina demandado, dijo: Que solamente conoce á Dª Estefana Goseascochea de Cortina y no á los demas demandadores y demandado.

A la segunda pregunta del citado interrogatorio contestó que tiene setenta y ocho años de edad y ha vivido en esta villa durante su vida.

A la tercera pregunta contestó, que conocio personalmente á Don José Salvador de la Garza cosa de cuarto años despues de tener el que habla de el uso de la razon y la oportunidad de vivir en su misma casa para conocerto bien.

A la cuarta pregunta contest: que Don Salvador de la Garza vivia generalmente en esta villa cuya casa viene á ser la conocida

por del finado Don Antonio Olivera la que estaba construida de adobe y se componia de sala, recamara Zahuan y tienda.

A la quinta pregunta contestó: Que Don Salvador de la Garza era rico y era respectado y apreciado en el pais como yerne del

Sello Cuarto, Un Real. Para los años de mil ochocientos cincuenta y mil ochocientos cincuenta y uno.

Capitan y justicia mayor q° habia eutoces a un que no se acuerda haya disempeñado empleos alguuo siendo de grande impertancia su condicion como que disfrutaba de comodidades.

A la sesta pregunta contestó: Que la esposa de Don José Salvador de la Garza fué Doña Maria Gertrudis de la Garza Falcon y fueron sus hijos, Doña Javiera, Doña Margarita y D. Blas Ma. de la Garza.

A la septima pregunta contestó: Que D. Salvador de la Garza murió en el camino de Mejico en su regresso pa. esta villa no se acuerda en que fecha, no tiene presente el tiempo que fué casado, pero acuerda que una de sus hijas la mener q°. era Doña Margarita estaba ya casada y los otros dos ostaban ya grandes cuando D. José Salvador se fué á Mejico.

Sobre la octava pregunta dijo: Que conoce el terreno de Agostadero que esta sobre la orilla izquierda del Rio Grande conocido con el nombre de Potrero del Espiritu bajo cuyo nombre lo oyò mentar desde los primeros años de su edad, que tiene el uso de la razon, y que estuvo en dicho terreno la primera vez en el año de 1814.

A la novena pregunta contestó: Que el mencionado Agostadero tieno bastantes cernodido do como son montes, resacas, lagunas de agua dulce, llamaras y la principal estar dicho Agostadero como, empalnerado por los cuatro rumbos con el Rio Grande al lado del sur, al lado del poniente, un monte muy espeso, y el Arroyo Colorado pegando el monte del Arroyo a al Rio, per la porte del Norte, parte del mismo Arroyo, y la laguna madre, y per el oriente el mar, no teniendo mas de una entrada que abrieron en el monte duro donde estaba una puerta con trancas per donde sacaban y metian los bienes, no tiene presente los linderos q. solo si se reconocia de la puerta del potretro á adentro por de la propiedad de D. José Salvador de la Garza.

Sobre la decima pregunta dijo: Que Don Salvador de la Garza fué reconocido *rpre* dueño de dicho terreno.

Sobre la undecima pregunta dijo: Que oyó desir de esa contraversia que Don José Salvador uvo con Don Narciso Cavazos con respecto al terreno de que se habla que á resultas de esta pasó Don José Salvador á Mejico a traher en su favor cuando murió en virtud de los cuales echeron fuera á Don Narciso Cavozos los herederos de Don José Salvador del terreno de que se trata.

Sobre la duodecima pregunta contestó: Que habia Yndios Bravos y manzos en el pais, y peligroso vivir alli a un en tpo.

en que el fué del año de '14, en que hostilozaron los salvajes dho terreno y aun pasaron para este lado y se llevaron cuanto caballada pudieron de una y otra banda en numero como de doz mil vestias y aunque la tropa del Capitan Paredes les resistió en Santa Rosa nunca les quitaron el robo.

A la decima tercera pregunta contistó que se hallaban algunos Yndios de paz en el citado agostadero nombrado a la paguemes siendo los mas negros y los mulatos.

A la decima quarta pregunta dijo: Que era vos com un y general que Don José Salvador tenia en dicho terreno en gran cantidad Ganado Mayor, vacuno, caballar, y mular, nada demenor que el primer rancho estaba en una llanura á la orilla de un estero de agua, casa en el centro del Agostadero, y le desian por el nombre el parole, y ahora despues que han establecido otros ranchos há quedado con el nombre de rancho viejo, que habia en dho Agostadero los peones necesarios para el campo y no habia labores,

A la decima quinta pregunta contestó: Que Don José Salvador de la Garza tenia sus bienes con amplitud y como encerrados en aquel grande Agostadero bastante seguridad.

A la decima sesta pregunta contestó: Que Don José Salvador de la Garza tenia sus bienes con amplitud y como encerrados en aquil grande Agostadero de bastante seguridad.

A la decima sesta pregunta contestó: Que se casó Don Blas Maria de la Garza con Doña Francisca Cavazos y murió despues de la muerte de Don José Salvador.

A la decima septima pregunta contestó: Que Doña Margariat de la Garza sa casó con Don Pedro Lopez Prieto y tuvo á Don Antonio y Don Manuel Prieto, de los que solo vive Don Manuel.

A la decima octava pregunta contestó: Que casó Doña Javiera de la Garza, con Don José de Goseascochea y tuvo dos hijas Doña Estefana y Doña Feliciana Goseascochea que aun viven.

Sello Cuarto: Un Real. Años de mil ochcientos cincuenta y mil ochocientos cincuenta y uno.

A la decima nona pregunta contestó: Que los herederos de Don José Salvador han tenido posecion del dicho terreno de Agostadero conocido con el nombre del Potrero del Espiritu despues de la muerte del dicho Don José Salvador como dueños y propietorios del mismo Agostadero.

A la vigesima pregunta contestó: Que el citado terrenó el fué vendido por el Rey, á Don José Salvador y le dio el titulo de el primiero q. Tamaulipas no dió esta merced per q. no estaba constituido en Estado ni intendencia como se nombrado en aquel tiempo.

A la vigessima primera pregunta dijo: Que Doña Estefana Goseascochea de Cortina vive poco arriba el Rancho de Santa

Rita dentro del mismo Agostadoro desde antos mucho del año de '48 y hasta la presente.

A la vigessima nona y ultima pregunta del citado inrerrogatorio contestó: Que nada otra causa sabe en benefició ó provecho de los demandadores ó demandados y que cuanto tieno espuesto á la verdad en fuerza de su juramento le fué lieda su anterior declaracion dijo estar bien y fielmente escrito y no tenia que añadir ni que quitar á ella en la que se afirma y ratificó firmandolo para constancia conmigo dicho Juez y los.

Sello Cuarto: Un Real. Años de mil ochocientos cincuenta y mil ochocientos cincuento y uno.

De mi asistencia con quieres activo en la forma que prescribo la ley. Doy fé.

Nieves Villareal.

JOSE ANT. DE LA GARZA FALCON.

De assa Cristoval Morales. De assa Maxim'o Valverdo.

En la mencionada villa á diez de Abril, de el año corriente. Ante un dho juez y en este jusgado previa citacion comparecin Don Juan Manuel Ramires, á quien en su propria persona que doy fé conoceó le recibi juramento en forma bajo cuyo cargo afreció desir verdad en todo lo q. supiere y le fuere interrogado y siendolo al tenor de la primera pregunta del interrogatorio con que dá principio el asnuto que se titnla Don Rafael Garcia Cavazos y otros contra Don Simon Mussina dijo. Que conocee á los demandadores Don Rafael Garcia Cavazos, á su esposa Doña Josefa Cavazos y a Doña Estefana Goseascochea de Cortina: que al demandado Don Simon Mussina no lo conoce.

A la segunda pregunta constante en el citado interrogatorio contestó que tiene cincuenta y cuatro años de edad y ha vivido en esta Villa durante su vida.

Contestó á la vigesima segunda pregunta del interrogatorio citado diciendo: que conoce el terreno de Agostadero que se llama el Potrero del Espiritu Santo sobre la orilla ozquierda del Rio Grande desde tiernos años y á sus dueños Dn. Javiera de la Garza y Don Antonio y Don Manuel Prieto nietos del primitivo dueño Don Jose Salvador de la Garza los dos ultimos.

A la vigesima tercera pregunta contesto: Qs. Dn. Javiera y su familia la esposa de Dn. Blas de la Garza, Dn. Francisca Cavazos y su familia y los Señores Prietos desde que los conoció han tenido posecion del mencionado terreno y segun reputacion general han sido los dueños del dicho Agostadero.

A la vigesima cuarta pregunta contestó y dijo: Que segun reputacion y creencia general el terreno fué mercedado primeramente á Don José Salvador de la Garza en tiempo del Rey.

A la vigesima quinta pregunta contestó: Que los ranchos que conocio el que habla eran Santa Rita, El tanque, y el reparó que fueron ocupados por los mismos heredoros dueños que los bienes de campe de ganado mayor, &c. Que conocio el que habla despues de la muerte de Don José Salvador de la propiedad de los dueños que deja mencionadas eran muchisimos los que vio como deja dicho en los primeros años de su edad por ser su padre del ql. habla administrador de las estancias de caballado y vacas, que deja relacionados y aun despues vio tambein la muche dumbre de ganados cuando los administró Don Ynacio de Treviño.

A la vigesima septima pregunta contestó que conoció á Doña Francisca Cavazos casada con Don Blas de la Garza y de viuda ocupando dicho terreno en un Rancho abajo de el de Santa Rita.

A la vigessima septima pregunta: contestó. Que se acuerda de un plieto que ha tenido Dn. Francisca Cavazos con el Ayuntamiento de Matamoras por que dicho Ayuntamiento queria tomar parte de su terreno frente á Matamoras para epdos y ella resisteó siempre á las pretencienes de dicho Ayuntamto. cuyo resultado ó fin no sabe.

A la vigesima octava pregunta: despues de haber visto el papel marcado F. que centien copia del Testamento de Doña Maria Gertrudis de la Garza Falcón Dejo. Que la firma que aparece al fin del citado documento de Don Santiago Dominguez es propia y verdadera del mismo Dominguez y la misma qe. usa y acostumbra en todos sus negocios y la copia es fiel y

Sella Cuarto. Años de mil ochocientos.
Un Real. Cincuenta y mil ochocientos.
Cincuenta y uno.

legalmente sacada de ser original del archivo del jusgado de este villa donde se halla cuyo acta de coneccion y cotejo le presenció. Que el espresado Señor Dominguez cuendo firmo el espresado documento tenia el empleo de Regidor Decano y Juez de a inista. per la ley el esta villa en Turno segun se titulaba en el año PPdd. de mil ochocientos cuarenta y nueve.

A la vigesima a novena y ultima pregunta: contestó. Que todo lo que há declarado es cuanto save respecto de lo que se le há preguntado y es la verdad en fuerza de su juramente que há otorgado. Que nada mas sabe que conocia sea de importancia ó benefició de los demandadores ó demandados, y leida que le fué, al producente su anterior declaracion espresó estas bien y fielmente escrita y en ella se afirma y ratificó firmando conmigo otre Juez y los de mi assa en forma doy fé.

Juan Manl. Ramires, Nievis Villareal,
de assi de assi
Cristoral Morales. Maximo. Valverde.

Villa de Camargo, Abril 10, de 1850.

Visto el Estado de esta informacion y no habiendo mas testigos que ecsaminar la debia declara y la declara concluida en consecuencia reintarse original en union de la requisitoria en que se pide haciendose relacion da las fojas que contiene. Nieves Villareal Alcalde o y Juez de a insta. de esta referida Villa de Camargo y su jurisdiccion per este auto asi lo mando y firmo actuando con testigos de assa. en falta de Escribano Publico y en el presente papel por no haber del que corresponde en la oficina del ramo cuyo protesto reponerlo hizo la parte doy fé.

Nieves Villareal,

de assa. Cristoral Mirales.

de assa. Maximo. Valverde.

Segun está mandado en mi auto anterior demandó está informacion en union de la requisitoria al Señor Secretario de la Corte de Distrito de los EE. VV. de America para el Distrito de Tejas contenida en nueve fojas utites la que para que consta rubrico—a rubric.

(*On the Envelope.*)

D. W. No. 6.

Requisitoria que en union de la informacion qe. ella misma pide se dirije al St. Secreo de la Corte del Distrito de los EE. VV. de America para el Distrito de Texas relativo asunto qe. se titula D. Rafael Garcia Cavazos y otros contra D. Simon Mussina, Galveston.

VILLAREAL, (Rubrico.)

Del Jusgado Vo. y de Va. insta. de Camargo.

Drós Judiciales sin papel nuevo ps.

VILLAREAL.

June 4th, 1850. Received from the hands of Wm. G. Hale, Esq., and filed same day.

JAMES LOVE, *Clerk.*

Opened by consent of counsel Nov. 14, 1850.

JAMES LOVE, *Clerk.*
By GEO. B. JONES, *Deputy.*

Translation.

DISTRICT COURT OF THE UNITED STATES,
District of Texas.

RAFAEL GARCIA CAVAZOS, *et al.*,
vs.
SIMON MUSSINA.

Translation of the proceedings before the Court of the First Justance of the Town of Camargo, in taking the depositions of Don Nicolas Garcia Garza, D. Antonio de la Garza Falcón, and D. Juan Manuel Ramires, on the part of plaintiffs in the above entitled cause under the accompanying letters rogatory.

(*On the outside cover.*)

Testimony taken in the suit entitled Don Rafael Garcia Cavazos and others *vs.* Don Simon Mussina, at the instance of the attorney in fact of the former, directed to the Clerk of the District Court of the United States of America, for that of Texas.

From the First Tribunal and that of the
First Justance of Camargo.

To the Judge of the First Justance of the Town of Camargo:

William G. Hale, a citizen of the United States of America, Attorney-at-Law, in the District Court of the said States for the District of Texas, and authorized by the said Court to present to your Honor, the Letter Rogatory, which I annex, and Juan Treanor, a resident of the city of Matamoras, and attorney in fact of D. Rafael Garcia Cavazos, and Doña Maria Josefa Cavazos, his wife, very respectfully represent to your Honor, that as well justice as the interest of the said parties demand that the depositions of the witnesses named in the said letter, should be taken according to the form indicated in it. Wherefore, we pray your Honor that you be pleased to order that all that is necessary in the present matter should be dispatched in order to comply with the desires of the said Court.

Camargo, April 6th, 1850.

WILLIAM G. HALE,
JUAN TREANOR.

Camargo, April 8, 1850.

Presented and admitted, so far as the law admits. Let the parties be cited to present the witnesses to this tribunal, in which their declarations shall be made and taken down according to the tenor of the interrogatories. I, Nieves Villareal, First Alcalde and Judge of the First Justance of this Town of Camargo aforesaid and its jurisdiction, have thus provided, ordered and signed,

and acting with my assisting witnesses, for want of a Notary Public. I certify: NIEVES VILLAREAL.

Ass wit. Ass wit.:
Cristoval Morales Maximo Valverde.

In the same town, on the same day, month and year, before me, the said Judge, the citizen, Nicholas G. Garza, having been previously cited, appeared, and I administered to him, in his proper person, which I certify I know, the oath, in due form of law, under which he declared he would state the truth as to all which he might know and should be asked, and being interrogated upon the first interrogatory of the set, containing the suit, entitled Don Rafael Garcia Cavazos and others against D. Simon Mussina, he said that as to D. Rafael Garcia Cavazos he does not know him; as to his wife, Doña Josefa Cavazos, and Doña Estafana Goseascochea de Cortina, he knows them, and that he is not acquainted with Simon Mussina, the defendant.

To the second interrogatory: That he is eighty-three years old, and has lived within this republic, with his residence in this town.

To the 3d, he said: That he was personally acquainted with D. José Salvador de la Garza, since he came to this town, and that he was married to Doña Maria Gertrudis de la Garza Falcon; that he had opportunity of knowing him, having lived in this town, and that deponent knew them since he had the use of reason until their death.

To the 4th: That D. José Salvador de la Garza generally lived in this town, and there still exists the place where he had his dwelling, which was in the house known as that of the late D. Antonio Oliviera, that its form was a hall and a chamber (sala y recamera), an entrance hall (zahucan), and store, and it was built of unburned brick, (adobe).

To the 5th: That D. José Salvador de la Garza had more stock (bienes de campo) than any other person on the frontier; that he was respected and esteemed as one of the first persons of this town; that he does not remember the offices and dignities he had; and that his condition and importance in this town was that of a man who enjoyed every advantage, (to das comodidodes).

To the 6th. That Doña Maria Gertrudis de la Garza Falcon was the wife of Don José Salvador, and they only had one son named D. Blas Maria de la Garza, and two daughters Doña Javiere and Doña Margarita.

To the 7th. That he does not know where D. José Salvador de la Garza died, nor the time, except that it was on his return from Mexico to this place. That the time that said Don José Salvador was married was more than thirty years—he does not know the dates.

To the 8th Interrogatory, he said: That he is acquainted with the tract of land on the left bank of the Rio Grande, named Espi-

ritu Santo, that he has known it under this name since he had the use of reason, and that when he was on the said tract first, deponent must have been a little less than fifteen years of age.

To the 9th Interrogatory, he answered: That the said estate has considerable advantages, the principal being its being fenced in (cercado) by nature on its four sides, and on which account it is called "Potrero," on the east by the sea, on the south by the Rio Grande, on the west by the Arroyo Colorado and a dense thicket, and on the north by the Laguna Madre connected with the sea, and that what was recognized as the property of Don José Salvador was what was comprehended within the points already mentioned.

To the 10th Interrogatory, he answers: That when he was first acquainted with the said tract of land, D. José Salvador de la Garza was reputed to be its owner.

To the 11th Interrogatory, he said: That he well remembers that there was a controversy between D. José Salvador de la Garza and Don José Narciso Cavazos, and that the cause was that the last had settled at the point of Santa Rita," which was within the "Potrero de Espiritu Santo," and it was concluded by the heirs of Don José Salvador ejecting him from that point, after the death of the latter.

To the 12th, he answered: That there were Indians who committed hostilities in that tract of land, as on the rest of the frontier, and that upon one occasion when they made an incursion, deponent then being of tender age, the Indians carried off quite a large drove of horses, a part of which the soldiers from this town took from them, at Loma Blanca, and another part were dispersed in the skirmish which the troops had with the Indians.

To the 13th Interrogatory, he answered.—That there were some peaceable Indians in the said tract of land, who were called blacks and Mulattoes, and recognized Don José Salvador as their master, and occupied any place within the estate (Agostadero) of Espiritu Santo, which suited them.

To the 14th Interrogatory he said.—That D. José Salvador de la Garza had an immense number of stock cattle, horses and mules, in the said tract of land, that the pens and houses, (bacales) were built in the centre of the prairie, at a pond which kept full of water a long time, and this place was called Rancho del Espiritu Santo, that afterwards another Rancho was made, named that of the Tank, (El Tanque), and they called the first Rancho biejo, and some time after (he established) another in San Martin, that he had the necessary peons for the Rancho, and had no fields, (labores).

To the 15th, he said.—That as to his horses, etc., they were kept in the said *Potrere*, that the *herdsmen* (vaqueros) only branded the stock, since they were safe, there being only three entrances into the said *Potrere*, one near the bank of the river, another in front of Carrintos, and another on the Arroyo Colorado.

To the 16th, he said.—That D. Blas Maria de la Garza married

Doña Francisca Cavazos, daughter of D. Narciso Cavazos, and died after D. José Salvador.

To the 17th.—That Doña Margarita de la Garza married D. Pedro Lopez Prieto; that she had two sons, D. Pedro and D. Manuel Prieto, the first is dead, and the second is still living in Matamoras.

To the 18th.—That Doña Javiera de la Garza married Don José de Goseascochea, and had two daughters, Doña Estefana and Doña Feliciana Goseascochea.

To the 19th Interrogatory, he answers.—That the heirs of D. Pedro Prieto, D. José Goseascochea, and D. Blas de la Garza, have held possession of the said tract of the Agostadero del Espiritu Santo, since the death of D. José Salvador de la Garza, as owners and proprietors.

To the 20th Interrogatory, he answers.—That he has known no other owner than D. José Salvador and his heirs, and that the grant he understands, was made by the king, and not by the State of Tamaupilas, since D. José Salvador was obliged to go to the interior for the object of bringing back his titles, and when he was bringing them, he died upon the way, but his titles, nevertheless, came into the possession (podu) of his family.

To the 21st Interrogatory, he answers.—That Doña Estefana Goseascochea de Cortina was living near the Rancho of Santa Rita, within the tract of Espiritu Santo, in December, 1848, and before.

To the 29th and last Interrogatory of the set before mentioned, he answers.—That he knows nothing more than he has stated, which is the truth, upon the oath which he has taken, and this his deposition having been read to him, he said it was the same that he had stated, which he affirms and ratifies, signing it for proof thereof, with me the said Judge, and my assisting witnesses, in the form before stated, I certify.—Interlined, and others. Correct, I certify, and, a dense thicket. I certify.

NIEVES VILLAREAL, G.

NICOLAS GARCIA GARZA.

Ass. wit. Cristoval Morales.

Ass. wit. Maximo Valverde.

In the aforesaid term on the ninth of the said month and year, before me the aforesaid Judge, and in this my Court, appeared, at a previous citation, D. Antonio de la Garza Falcon, and I administered to him in his proper person, which I certify I know, the oath in due form, upon which he declared that he would state the truth as to all which he might know and should be asked, and being interrogated according to the tenor of the first interrogatory of the set, which the suit (negocio) entitled Don Rafael Garcia Cavazos, and others, *vs.* D. Simon Mussino, defendant, contains, he said: that he knew Doña Estefana Goseascochea de Cortina, and not the other plaintiffs or defendant.

To the Second Interrogatory of the aforesaid set he answered.

That he is seventy-eight years of age, and has lived in this town during his life.

To the 3rd interrogatory he answered: That he was personally acquainted with Don José Salvador de la Garza for about four years after attaining the use of reason, and he had the opportunity of living in his own house, to become well acquainted with him.

To the 4th interrogatory, he answered: That D. Salvador lived generally in this town; his house is now known as that of the late D. Antonio Oliveira—was built of adobe, and comprised a hall, bed-chamber, entrance hall and store.

To the 5th interrogatory, he answered: That D. Salvador de la Garza was rich, and was respected and esteemed in the country as the son-in-law of the Commandant and Chief Justice who was then in office, though he does not recollect that he occupied any official post—his condition being of great consequence, as being one who enjoyed large means.

To the 6th interrogatory, he answered: That the wife of D. Salvador de la Garza was Doña Maria Gertrudis de la Garza Falcon, and their children Doña Javieré, Doña Margarita, and Don Blas Maria de la Garza.

To the 7th interrogatory, he answers: That D. Salvador de la Garza died on the road from Mexico, on his return to this town—he does not remember when, nor does he recollect how long he was married, but he remembers that his youngest daughter Doña Margarita was already married, and the other two children were grown when D. José Salvador went to Mexico.

To the 8th interrogatory, he said: That he knows the tract of land (torño de Agostadero), upon the left bank of the Rio Grande, known under the name of Potrero de Espiritu Santo, under which name he has heard it mentioned from his earliest years, since he had the use of reason, and that he was on the said tract of land for the first time in the year 1814.

To the 9th interrogatory, he answered: That the said estate has considerable advantages, such as woods, water courses, lakes of fresh water, prairies, and the principal one is, that the said Potrero is, as it were, shut in (anpotrerado), on the four sides; by the Rio Grande on the side to the south; on the side towards the west by a very dense thicket and the Arroyo Colorado, the thicket reaching from the Arroyo to the river; on the part towards the north by the same Arroyo and the Laguna Madre; and on the east by the sea, having only one entrance, which they cleared through the dense thicket, where used to be a gate (or door) (puerta), with bars, by which they introduced and drove out the stock. He does not recollect the landmarks (linderos), and only knows that from the entrance (puerta) of the potrero, inside, was the property of Don José Salvador de la Garza.

As to the 10th, he answered: That Don Salvador de la Garza was recognized as owner of the said tract.

As to the 11th interrogatory, he said: That he has heard mention made of the controversy which D. Salvador had with D. Narciso Cavazos with respect to the tract of land spoken of; that on the termination of this, D. José Salvador went to Mexico to obtain his paper (sus dispachos), and was bringing them back when he died, by virtue of which papers the heirs of D. José Salvador ejected D. Narciso Cavasos from the land mentioned.

As to the 12th interrogatory, he answered: That there were savage and domesticated Indians in the country, and that it was dangerous to live there, even in the time when he was there, in the year '14, when the savages made an incursion into this tract of land, and even passed over to this side, and took as large a drove of horses as they could from both sides, in number about ten thousand head; and, although the troops of Captain Parades resisted them in Santa Rosa, they never took the booty from them.

To the 13th interrogatory, he answered: That there were some peaceable Indians in the said estate, named Alapaquemes, the blacks and mulattoes being the most numerous.

To the 14th interrogatory, he said: That it was the common and general report that D. José Salvador had on the said tract of land a large stock, such as horses, cattle, mules, in great number, but no small stock; that the first rancho was in a prairie by the shore of a pond of water, almost in the centre of the estate, and they called it by the nick name of "Posolo," and now, since they have established other ranchos, it has remained under the name of Rancho Viejo; that he had in the said estate the peons necessary for the stock raising (para el campo), and had no fields, (labores).

To the 15th Interrogatory he answered.—That D. Jose Salvador de la Garza had kept his stock at large (con amplitud) and as it were shut up in that great estate in perfect security.

To the 16th Interrogatory he answered.—That Don Blas Maria de la Garza married Doña Francisca Cavazos, and died after the death of D. José Salvador.

To the 17th Interrogatory, he answered.—That Doña Margarita de la Garza married D. Pedro Lopez Prieto, and had children, D. Antonio and D. Manuel, of whom D. Manuel is alone living.

To the 18th Interrogatory, he answers.—That Doña Javierá de la Garza married D. José de Goseacochea, and had two daughters Doña Estefana and Doña Feliciana Goseascochea, who are still living.

To the 19th Interrogatory, he answered.—That the heirs of Don José Salvador have held possession of the said tract of land known by the name of the Potrero de Espiritu Santo, since the death of

the said D. José Salvodor as owners and proprietors of the same estate.

To the 20th Interrogatory, he answered.—That the said tract of land was sold by the King to Don José Salvador, and he first gave him the title, that the State of Tamaulipas did not give this grant, because it was not constituted as a State, nor Intendencia, as the name was then.

To the 21st Interrogatory, he said.—That Doña Estefana Goseascochea de Cortina has been living a little above the Rancho of Santa Rita within the said estate from much before the year 1848, and until the present time.

To the 29th and last Interrogatory of the aforesaid set, he answered.—That he knows nothing more for the benefit or advantage of the plaintiffs or defendant, and that what he has stated is the truth, upon his oath. His foregoing deposition was read to him, he said it was well and faithfully written down, and he had nothing to add or to subtract from it, all of which he affirms and ratifies, signing for proof thereof with me the said Judge and my assisting witnesses, with whom I act in the form which the law prescribes. I certify.

JOSÉ ANTONIO DE LA GARZA FALCON.

NIEVES VILLAREAL, Gr.

Asst. wit. Cristoval Morales.

Asst. wit. Maximo Valverde.

In the afore-mentioned town in the month of April in the current year, before me, the said Judge, and in this Court, citation having been previously made, appeared D. Juan Manuel Ramires, to whom, in his own person, which I certify I know, I administered the oath in due form, upon which he declared that he would state the truth as to all which he might know and should be interrogated according to the tenor of the first question of the set at the beginning of the matter entitled, "D. Rafael Garcia Cavazos and others, against D. Simon Mussina," he said.—That he is acquainted with the plaintiffs D. Rafael Garcia Cavazos, his wife, Doña Josefa Cavazos, and Doña Estefana Goseascochea de Cortina, that as to the defendant, D. Simon Mussina he does not know him.

To the 2nd Interrogatory appearing in the aforesaid set, he answered.—That he is fifty-four years old, and has lived in this town during his life.

He answered the twenty-second (22nd) Interrogatory in the foregoing set, saying.—That he has been acquainted with the tract of land called the Potrero of Espiritu Santo on the left bank of the Rio Grande, from his earliest years, and with its owners Doña Javeriá de la Garza, D. Blas de la Garza, Don Antonio and Don Manuel Prieto, the two last being grand-children of the first owner, D. José Salvador de la Garza.

To the 23d Interrogatory, he answered.—That Doña Javierá and her family, the wife of D. Blas de la Garza, Doña Francisca Cavazos and her family, and the Prietos, from the time he first knew them, have held possession of the aforesaid tract of land, and according to general reputation have been the owners of the said estate.

To the 24th Interrogatory, he answered, and said.—That according to general reputation and belief, the land was first granted to Don José Salvador de la Garza in the time of the King,

To the (25th) twenty fifth Interrogatory, he answered.—That the Ranchos which deponent knew, were Santa Rita, El Tanque and El Reparo, which were occupied by the same heirs as owner; that the large stock, etc., which deponent knew as the property of the aforementioned owners, after the death of D. José Salvador were very numerous, (muchismos;) that he saw them as has been already said in the earliest years of his life, by reason of deponent's further being manager (administrador) of the stock farms of horses and cattle already mentioned. And he also saw, even afterwards, the extreme great number of stock when D. Ignacio de Treviño managed them, (los administro.)

To the 26th Interrogatory, he answered.—That he was acquainted with Doña Francisca Cavazos during her marriage with D. Blas de la Garza, and while a widow, occupying the said tract of land in the Rancho below that of Santa Rita.

To the 27th interrogatory, he answered: That he recollected a suit which Doña Francisco Cavazos had had with the Ayuntamiento of Matamoras, on account of the said Ayuntamiento wishing to take part of her land in front of Matamoras for "Spidos," and she resisted always the claims *pretensions* of the said Ayuntamiento, but he does not know the result or termination.

To the 28th interrogatory, after having looked at the paper marked F., which contains a copy of the testament of Doña Maria Gertrudis de la Garza Falcon, he said: That the signature which appears at the end of the said document, as of D. Santiago Dominguez, is the proper and true signature of the said Dominguez, and the same that he is accustomed to use in all his affairs, and the copy is faithfully and legally taken from its original in the archives of the Court of this town, where it is to be found, at the act of correcting and comparing which he was present. That the said Dominguez when he signed the aforesaid document, held the office of First Regidor, and Judge of the First Justance by the law of this town, in his turn, and as he has described himself, in the past year, one thousand eight hundred and forty-nine.

To the 29th and last interrogatory, he answered: That all that he has declared is as much as he knows, with respect to what he has been interrogated, and is the truth upon the oath which he has taken; that he knows nothing more which he is aware would

be of importance or benefit to the plaintiffs or defendants, and upon his foregoing deposition being read over to the deponent, he said that it was well and faithfully written, and affirmed and ratified it, signing with me the said Judge, and my assisting witnesses, in form. I certify.

NIEVES VILLAREAL, G.

JUAN MAN'L. RAMIRES.

Ass. wit. Ass. wit.
Cristoval Morales. Maximo Valverde.

Town of Camargo, April 10, 1850.

Taking into consideration the state of this proceeding, and there being no more witnesses to examine, I ought to, and do declare it completed in consequence thereof, let it be forwarded in the original, together with the letter Rogatory in which it is requested, enumerating the leaves which it contains. I, Nieves Villareal, First Alcalde and Judge of the First Justance of this aforesaid town of Camargo, and its jurisdiction, so order and sign; acting with assisting witnesses, for want of a Notary Public, and on the present paper, on account of there being none of the corresponding seal in the office of the administration, the party promising to replace it. I certify.

NIEVES VILLAREAL, G.

Ass wit. Ass. wit.
Cristoval Morales. Maximo Valverde.

As is ordered in my foregoing decree, I dispatch these proceedings in taking testimony, (esta informacion) together with the Letter Rogatory, to the Clerk of the District Court of the United States of America for the District of Texas, contained in nine legal leaves, in proof thereof, I sign with my rubric.

(A. Rubric.)

On the outside Envelope.

Letter Rogatory which, together with the testimony which is requested by it, is directed to the Clerk of the District Court of the United States of America for the District of Texas, relative to the suit entitled D. Rafael Garcia Cavazos and others, against D. Simon Mussina.

VILLAREAL, G.

From the Court of the First Justance of Camargo. } Galveston.

The foregoing is a correct translation of the original, made in pursuance of an order of the Court.

WM. G. HALE.

Depositions from Reynosa.

[Of Guerra, Zamora, Munguilla, Cavazos, de la Garza y Rodriguez, and de la Viña.]

Sello tercero. Años de mil ochocientos cincuenta.
Cuatro Reales. y mil ochocientos cincuenta.
y uno.

Sor Juez de 1a. instancia de la Villa de Reynosa.

William G. Hale, ciudadano de los Estados Unidos de America, Licenciado de la Corte de Distrito de los dichos Estados para el Distrito de Texas, y autorizado por la dicha Corte de presentar á V. Sa. la carta requisitoria que acompaño y Juan Treanor vecino de la ciudad de Matamoras, como apoderado de D. Rafael Garcia Cavazos y Da. Maria Josefa Cavazos, su esposa, muy respetuosamente manifestamos á V Sa., que tanto la justicia como el interes de las dichas partes piden que las deposiciones de los testigos nombrados en la carta antedicha seran tomados segun la forma ya indicada en ella. Por tanto: A. V. S. suplicamos se sirva disponer que todo lo necesario en el presente caso sea despecado para obsequiar los deseos de la dicha corte.

Reynosa, Abril 1, de 1850. WILLIAM G. HALE.
JUAN TREANOR.

Villa de Reynosa, Abril 1o. de 1850.

Por presentado en cuanto ha lugar en derecho con los documentos de la requisitoria dirijida por la Juez de la Corte de los Estados Unidos de America, fechado en Galveston, Distrito de Texas, a la que mando se guarde observe y egente en todas sus partes con los mas documentos y que se refiera. En consecuencia librense las citas correspondientes a los declarantes para su comparaseéncia y terminado devuelvase original al interesado el ciudadano Manuel de la Viña, Juez de 1a. instancia de esta y su jurisdicion asi lo proveo y firmo con los de mi ass'a por falta de Escribano Publico que no le hay en los terminos del derecho day fée. MANUEL DE LA VINA.

Assa. Assa.
CRISTOVAL SEAL. MANUEL CAVAZOS GUERRA.

En seguida se libraron las citas de que habla mi auto anterior lo que para constancia anolo y rubrico.

(A Rubric.)

En la Villa de Reynosa á primero de Abril de mil ochocientos cincuenta en cumplimento del decreto que antecede compareció Don Romualdo Guerra en su persona que doy fe conoscó le recibi juramento en forma sobre que dijece verdad en todo lo que

supiera y le fuere preguntado y habiendolo asi ofrecido lo fui y conformidad al interrogatorio dirijido por la parte, que se lo ha dispuesto contesto.

A la 1a. pregunta: Que conoce á D. Rafael Garcia Cavazos á la esposa de este Da. Ma. Josefa Cavazos y á Da. Estafana Goseascochea de Cortina (que demandan y que tambien conoce á Da. Ma. Angela Garcia viuda de Lafon y despues de Tarneva y á Don José Manuel Prieto. Que á los demas Señores que contiene la pregunta no los conoce.

A la 2a. pregunta: Que es de edad de sesenta y cuatro años que desde su nacimiento hasta el presenté no ha salido de esta Villa de Reynosa de donde es vecino.

A la 3a. pregunta: Dijo; que personalmente no conocia á Don José Salvador de la Garza anu cuando se sigue que fué de rasonables comodidades.

A la 4a. pregunta dijo: Que era como tiene dicho de grandes comodidades el referido D. José Salvador de la Garza respetado y apreciado bastantemente como que llego anu capitan en la Villa de Camargo de donde era vecino.

Sello Tercero. Años de mil ochocientos cincuenta
Cuatro Reales. y mil ochocientos.
Cincuenta y uno.

A la 5a. pregunta dijo: Que no conoció personalmente a la esposa de D. José Salvador de la Garza que sabe tuvo tres hijos anu quando de que habla no conocio mas que a su hijo Dn. Blas Ma. de la Garza que por tal motivo no sabe cuanto tiempo fueron casados el referido D. José Salvador con su esposa.

A la 6a. pregunta dijo: Que conoce el terreno de que se le pregunta llamada Agostadero del Espiritu Santo y por otro nombre Rancho Viejo del posole pues en tiempo de su padre siendo el que declara joven vivia en su union en dicho Agostadero Rancho que fijo llamado Santa Rosalia que por el trascuirro de diez y ocho ó veinte años permanecieron alli los bienes de su padre y que todos aquellos terrenos en aquella epoca pertenencian a esta jurisdiccion de Reynosa.

A la 7a. pregunta dijo: Que el terreno se desde orillas del Rio Grande, al Arroyo Colorado, á las Lagunas Madres que en ellos puntos deben de estar sus linderos que antiguamente no se le daba el nombre de Potrero: que era conocido por varios nombres el.

Sello cuarto. Años de mil ochocientos.
Un Real. Cincuenta y ochocientos.
Cincuenta y uno.

Agostadero tales eran los parages, San Antonio, el Musquetal la Jina, Buena Vista, Lovitos, el Reparo Santa Isabel y otres varios que omito.

A la 8a. pregunta dijo: Que el declarante cuando su padre entro á poseer el Agostadero del Espiritu Santo lo hizo con conocimiento de D. Blas Ma. de la Garza no reconociendo mas dueños que el antedicho y sus cuñados Don Pedro Preste y Don José Goseascochea el primero troiendo en el Rancho de las Prietas frente que es hoy de Matamoras. D. Pedro en el Tanque y Goseascochea en Santa Rita que ignore el mas contenido de la pregunta.

A la 9a. pregunta dijo: Que ignora el contenido de esta pregunta.

A la 10a. pregunta dijo: Que ganado mayor era mucho numero ser poderlo designar que otro tanto suteda de bestias, mulares y caballares; que el que menos tenia era D. Blas que el nombre de los Ranchos estos Señores y á los tenia referidos.

A la 11a. pregunta dijo: Que tiene dicho que conocia personalmente á D. Blas Maria de la Garza que su padre era D. Salvador de la Garza que la esposa de D. Blas fué Da. Fran'ca Cavazos.

A la 12a. pregunta dijo: Que no se acuerda murió D. Blas Maria de la Garza pero que en su vida fué respetado y estimado del Pueblo.

A la 13a. pregunta dijo: Que conoce personalmente á Doña Maria Franc'a Cavazos que esta Señora sobre vivio por bastantes años a su esposo sin poder profijar quantos que reside dicha Señora en la parte de su agostadero sui pusó vivando en las Prietas y despues que se frente de la Villa de Matamoras en dicha poblacion.

A la 14a. pregunta dijo: Que conoció á Da. Ma. Ignacia Cavazos que vivia la espresada Señora en esta villa y que era hermana Doña Francisca Cavazos, que Doña Ygnacia fué casada con D. Maximo Cavazos y tubo por sus hijos legitimos á Doña Josefa Cavazos, á Doña Bartola, á Doña Juliana, á Doña Gertrudis, á D. Narciso y D. Maximo Cavazos.

A la 15a. pregunta dijo: Que desde que murió Doña Fran'ca Cavazos han seguido proseponendo Don Rafael Garcia Cavazo por su esposa Doña Josefa, Don Manuel Prieto por su padre Don Pedro y Doña Estefana por su padre Don José Goseascochea que no sabe si otras personas posecion por razon de cumpras que hallan hecho.

A la 23a. y ultima pregunta dijo: Que nade mas tiene que espresar que lo dicho es la verdad en lo que se afirmo y valificó leydo que le fué esta su declaracion manifestando llamara como queda dicho de estado casado oficio criador de R. C. A. R. lo que para constancia firmo conmigo con union de los de mi assista. en defalto de Escribano Publico doy fé.

Romualdo Guerra,
A.
Cristoval Leal.

Manuel de la Viña,
A.
Manl. Cavazos G'rra.

Sello Quarto:
Un Real.

Años de mil ochocientos cincuenta y ochocientos cincuenta y uno.

En la Villa de Reynosa en las dias del mes de Abril, de mil ochocientos cincuenta años comparecio ante mi Don José Antonio Zamora vecino de esta y en su persona q. doy fé conosco le recibi juramento en forma de derecho por en cual ofreció decir verdad en todo lo que supeire y le fuere preguntado y siendolo por el tenor del interrogatorio que se le há contestò.

A la 1a. pregunta: Que conoce personalmente á Don Rafael Garcia Cavazos y la esposa de este Doña Maria Josefa Cavazos: pero que no conocio á Doña Estefana Goseascochea y si al Señor Don Simon Mussina.

A la 2a. pregunta dijo: Que el hora de setenta y tres años de edad q. siempre ha sido vecino de esta villa morando lo mas en la vaucheria de la Antigua Reynosa á orrilas del Rio Bravo.

A la 3a. pregunta dijo: Que no conocio Don Salvador de la Garza.

A la 4a. pregunta dijo: Que ignora si hera ó no rico que llegó a entendér de oidos que hera respectado en la villa de Camargo donde supo fué su residencia ignorando lo demas del contenido de la pregunta.

A la 5a. pregunta dijo: Que ignora quien haya sido la Señora esposa de Don Salvador de la Garza que sus hijos lo fueron Don Blas Maria de la Garza y las—

Sello Cuarto: Un Real. Años de mil ochocientos cincuenta y mil ochocientos cincuenta y uno.

—esposas de los Señores Don Pedro Prieto y Don José Goseas cochea cuyos nombres de los refiridos no sabe.

A la 6a. pregunta dijo: Que en efecto conocio el terreno que se le dió el nombre de Espiritu Santo, y no con el nombre de Potrero que de este conocimiento para sus desde de treinta años.

A la 7a. pregunta dijo: Que el terreno de que se le indica está desde el Rio Grande frente de Matamoras, direcion al Arroyo Colorado, mas no sabe si sus linderos llegaran á dicho Arroyo ó no y que tampoco sabe porque se llama Potrero.

A la 8a. pregunta dijo: Que no sabe quien haya sido el primer individuo descubridor del terreno que lo que es sierto lo conoció cu poder de los Señores Don Blas Maria de la Garza y los cunados de este Don José Goseascochea y Don Pedro Prieto.

E la 9a. pregunta dijo: Que llego á entendér habian tenido cuestion por el terreno Don Narciso Cavazos y Don Salvador de la Garza pero que ignora en que estado quedo el pleito.

A la 10a. pregunta dijo: Que ignora los bienes que huvieron tenido lo que sabe es que Don Blas Maria de la Garza fué uno de los herederos como hijo y sus dos hermanos como nombre de ellos ignora que los ranchos que posecion hora en los parajes Don Pedro Prieto èn el Tangue, Don José Goseascochea, Santa Rita y Don Blas Maria de la Garza en el Paraje de las Prietas.

A la 11a. pregunta dijo: Que conocio personalmente á Don

Blas Maria de la Garza hijo que fué de Don Salvador de el mismo apellido y que el refirido Don Blas casó con Doña Francisca Cavazos ignorando el de declarante se tuvieron succession ó nó.

A la 12a. pregunta dijo: Que ignora en donde haya muerto Don Blas Maria de la Garza mas sabe en el ponente que fué querido y respetado del Publico.

A la 13a. pregunta dijo: Que personalmente conocio á Doña Francisca Cavazos, que esta sña. sobre vivio á su esposo muchos años sin podér espresár cuantos hayan sido que esta persuadido vivio en el terreno dhu Señora, en el Rancho ó paraje de las Prietas.

A la 14a. pregunta dijo: Que conoció á Doña Maria Ygnacio Cavazos que siempre vivio en esta villa antes y despues de que murien Doña Francisca Cavazos siendo hermanos estos dos Señores. Que Doña Ignacia Cavazos casó con Señor Don Macsimo Cavazos y tuvieron por sus hijos á Doña Bartola Cavazos, á Don Narciso Cavazos, á Doña Maria Josefa Cavazos, á Doña Gertrudis Cavazos, á Doña Juliana Cavazos y a Don Maximo Cavazos.

A la 15a. pregunta dijo: Que ha reconocido pr. pesedores á Don Blas Maria de la Garza, á Don Pedro Prieto p á Don José Goseascochea y á la presente, á los herederos de estos.

A la 22a. pregunta dijo: Que nada otra cosa save que lo espresado es la verdad, manifestando ser de estado casado, ofició de campo y de religion C. A. R., lo que no firmó por no saberlo hacer hizolo yo con los de mi asistencia en defecto de Escribano Publico doy fé.

Manuel de la Viña,

A. A.

Manuel Cavazos G'rra. Cristoval Leal.

En la misma villa dicha dia mes y año compareció otro de los testigos sitados, Don Blas Maria Cavazos y en su persona que doy fé conozco le recibi juramento en forma de drho, por el cual ofrecio desir verdad en lo que supiere y le fuere preguntado y siendolo al tenor del interrogatorio que á el se consigna a la primera pregunto dijo.

A la 1a. pregunta: Que conoce á Don Rafael Garcia Cavazos á su esposa, Doña Josefa Cavazos, y tambien conoce á Dona Angela Garcia, y Don Manuel Prieto.

A la 21a. pregunta dijo: Que el testimonio del testamento—

Sello Cuarto: Años de mil ochocientos cincuenta y ocho-
Un Real. cientos cincuenta y uno.

—del fuiado Don Blas Maria de la Garza, que se presento bajo las marcas F. F. constante de diez fojas utiles es legal la forma con que al fiu autorizo el referido testimonio pues en la suya propia, y de que siempre ha acostumbrado que todo lo escrito en las diez fojas en sacado al pie de la letra del testm^to^ original del

referido finado Don Blas Maria de la Garza, que cuanto ha autorizo en mil ochocientos viente y cuatro hora alcalde primero constitucional.

A la 23a. pregunta dijo: Que como no sabe el origen causas y motivos que haya causado differencia entre los demandantes ó demandados nada pue de referir que por tal motivo lo dicho hasta que es la verdad leida que lo fué su declaracion espresando ser de cincuenta y dos años de edad de estado vinado oficio de campo de Relgion E. A. R., y vecino natural de esta villa en cuya virtud firma con migo de los demi asistencia doy fé.

Manuel de la Viña.

A. Blas M. Cavazos. A.
Cristoval Leal. Manuel Cavazos G'rra.
Sello Cuarto. Años de mil ochocientos cincuenta y ocho-
Un Real. cientos cincuenta y uno.

En la Villa de Reynosa á los tres dias del mes de Abril, de mil ochocientos cuicuenta años comparacer ante mi como testigos de los citados D. Sipio Mungrilla y en su persona que doy feé conoce, lo recibi juramento en forma de dhro. por el cual ofreció desir verdad en todo lo que supiere, y lo fuere preguntado y siendolo, al tenor del interrogatorio que á el se le consigna contestó.

A la primera pregunta: Conoceir de vista á Don Rafael Garcia Cavazos y cuanto niño á su esposa Doña Maria Josefa Cavazos: no conociendo á las demas personas que se le pregunta.

A la 2a. pregunta dijo: Que su edad es de setenta, y dos años, y que es natural, y vecino de esta Villa á la orilla derecha del Bravo.

A la 3a. pregunta dijo: Que á Don Salvador de la Garza no lo conocia.

A la 4a. pregunta contesto: Que nada sabe sobre esta pregunta.

A la 5a. pregunta dijo: Que ignora quien haya sido la esposa del Señor Don Salvador de la Garza, y ignora si tubo hijos, ó no.

A la 6a. pregunta dijo: Que el Agostadero con el nombre de Potrero ó Espiritu Santo que se le pregunta, no lo conoce.

A la 7a. pregunta: Que ignora el contenido de la pregunta.

A la 8a. pregunta dijo: Que ignora lo mismo que la anterior.

A la 9a pregunta dijo: Que no sabe nada sobre esta.

A la 10a. pregunta dijo: Que absolutam^te^. ignora el contenido de la pregunta.

A la 11a. pregunta dijo: Que como no conoce á los personas que se le pregunta per consiguente ignora el contenido de esta pregunta.

A la 12a. pregunta dijo: Que no sabe en donde haya muerto el Señor Don Blas Maria de la Garza, y el contenido de toda la pregunsa.

A la 13a. pregunta dijo: Que de vista habia conocido á Doña

Francisca Cavazos, pero que no sabe el tiempo que la Señora haya sobre vido ignorando le de mas pregunta.

A la 14a. pregunta dijo: Que conocio á Doña Maria Ignacia Cavazos, y que vivia cuesta villa pero que ignora el parentesco que esta Señora haya tenido con Doña Francisca Cavazos, y que Doña Ignacia Cavazos fué casada con Don Marino Cavazos, y que tuvieren por hijos á Doña Maria Josefa Cavazos á Doña Juliana, á Doña Bartolo, á Doña Gertrudis, a Don Narciso, y á Don Maximo Cavazos.

A la 15a. pregunta dijo: Que ignora, que personas tengan ó hayan tenido hasta ahora posecion su el Agostadero que se le pregunta.

A la 23a. pregunta dijo: Que ignora absolutan^{te}. lo que se le pregunta en esta. Que lo dicho es la verdad manifestando ser de estado casado oficio de campo, y de Religion C. A. R., y leida que la fué esta su declaracion manifesto ser la misma que el há dado, lo que no firmé per no saberlo haeér hizé le yo con los de mi asistencia en defecto de Escribano Publico doy feé.

Manuel de la Viña.

A. A.

Cristoval Leal. Manuel Cavazos Guerra.

En la Villa de Reynosa, en los tres dias del mes de Abril de mil ochocientos cincuenta años ante mi, y en mi Jusgado comparecio el Presbitero, y cura de es la Villa Don Antonio de la Garza Rodriguez, y en su persona que doy feé conocio le recibo juram^{te}. en la forma de derecho, y el consabido lo hizo sobre la sa d lgrado Biblia, por la cual ofrecio decir verdad en lo que supieré y le fuere preguntado, y siendo conforme al interrogatorio d el designado.

A la 1a. pregunta dijo: Que conoce á Don Rafael Garcia Cavazos, y su esposa Doña Maria Josefa Cavazos personalmente; y que conoce de vista á Don Angelo Garcia Lafon de Tarnabo, no conociendo al resto de personas que se contienen en la pregunta.

A la 22a. pregunta dijo: Que la firma que al pié de la certificacion de la partida de cosamiento de Don Rafael Garcia Cavazos con Doña Josefa Cavazos, es suya propia, y la que acostumbra en todos los negocios que se le presentan asi eclesiasticos como particulares, y que el contenido de la capio de la partida es sacadafiel, y legalmente al pié de la letra del Libro respectivo que en ella consta sellado.

A la 23a. pregunta dijo: Que ignora absolutamente el contenido de la pregunta, que lo dicho es la verdad, que le fué esta su declaracion manifestó ser verdad de treinta ados firmandos con migo y los de mi asistencia doy fé.

Manuel de la Viña.

Prest^{do}. Antonia de la Garza Rodrig^{z}.

A. A.

Cristoval Leal. Manuel Cavazos Guerra.

Reynosa, Abril cuatro de mil ochocientos cincuenta.

Hayandose recibidas las declaraciones de los testigos que se han encontrado en esta Villa, y teniendo informe sierto q^{e}. los restantes C. C. que se anotar en el interrogatorio se hayan fuero de mi jurisdicion, desde luego, notandose solamente altar la que so haya consignado al C. Manuel de la Viña que es el presente Juez, y para clar su deposicion se requiere darla ante otro Juez para recivir le

Sello cuarto. Años de mil ochocientos cincuenta,
Un Real. y mil ochocientos, cincuenta, y uno.

Su juram^{to}. respectivo por tanto disporogo que la presente auticacion, y solo para evacuar la respectiva declaracion pase el Jusgado tercero constitucional por hayarse el Juez segundo sin perro de antenar provisionalm^{te}. de orden superior, de esta disposicion nostifiquesele a los ocurentes para su conocimento, El Juez de Primera instancia asi la proneo, y firmo con los de mi asistencia con quienes autos en la firma dicha por falta de Escribaño Publico de que doy feé.

Manuel de la Viña.

A continuacion previa citacion comparecieron los S S. William G. Hale, y Mr. Juan Treanor, y en sin personas que doy feé conosco les notifique el anterior auto, y entendidos dijeron que le hayan, y firman conmigo en union de los testigos de mé asistencia de que doy feé.

Manuel de la Viña.

William G. Hale. John Treanor.

Se pasaron estos espedientes al Jusgado Tercera como esta mandado en la providencia de esta fha lo que anoto, y rubrico.

(Rubrico.)

Reynosa, Abril 4, de 1850.

Cumplase con lo dispuesto en el auto de esta fha del S. Juez de 1^{a}. instancia, y al electo citar al D. Manuel de la Viña para tomarle su declaracion El C. Juan José Benavides Alcalde Tercero Constitucional de esta, y su jurisdicion lo mando, y firmo con los de mi asistencia en defecto de Escribano Publico doy feé.

Juan José Cavazos Benavides.

A. A.
Cristoval Leal. Manuel Cavazos Guerra.

Yncontimente se libro la cita de que hace referencia mi auto anterior lo que para constancia noto, y rubrico.

(Rubrico.)

En la Villa de Reynosa a los cuatro dias del mes de Abril de

mil ochocientos cincuenta años ante mi el Juez tercero Constitucional comparecio en mi Jusgado el Senor Don Manuel de la Viña, y en su persona que doy feé conosco le recibo juram^to^. en forma de drho p^r^. lo cual ofrecio decir verdad en lo que supiere, y fuere preguntado, y siendolo conforme al interrogatorio que á el se consigna.

A la 1a. pregunta dijo: Que conoce á vista á Don Rafael Garcia Cavazos á Doña Estefana Goseascochea de Cortina; que á Doña Maria Josefa Cavazos, esposa de Don Rafael Garcia, no tiene el honor de conocerla; que conoce tambien á Don Carlos Stillman, y á Doña Maria Angela Garcia Lafon de Tarneva, conoce tambien á Don Ramon Lafon (hijo) á Don Manuel Prieto, y *á Don Manuel Prieto:* que los de mas S.S. de la pregunta no los conoce.

A la 16a. pregunta dijo: Que el documento que se le presenta marcado con las letras F.F., y autorizado por Don José Antonio Leal de Leon es la misma que siempre atostumbré en su vida, y que cuando la inscrivio hera Alcalde Io Constit^l^. de esta Villa; que el dho Senor Leal de Leon es firmado han

Sello Cuarto. Años de mil ochocientos cincuenta, y mil
Un Real. ochocientos cuicuenta, y uno.

—ya algun tiempo pero que es real, y efectiva.

A la 17a. pregunta dijo: Que la firma que al fin del documento que se le presenta aparece es la de el declarante como testigo de asistencia del Juez que autorizo dha copia, y por lo misino es copia fiel, y legam^to^. sucada del original.

A la 18a. pregunta dijo: Que de vista conocio á Doña Francisca Cavazos, y Doña Ygnacia Cavazos, de trato, y communicacion, que sabe ó no, poderle dudar que heran hermanos legitimos.

A la 19a. pregunta dijo. Que no sabe el parage ó rancho que Da. Fran'ca tenia pero que sabe que el terreno de la espresada S'ra hera desde la horilla izquierda del Rio en frente de Matamoras que la distancia que haya de esta ciudad al terreno de la referida cree que sea un poco mas de un cuarto de legua y que esto lo sabe de publica vóz y fama.

A la 20a. Pregunta· Que sabe que la Sña. Da. Fran'ca Cavazos há mantenido pleito con los ayuntamientos de Matamoras por que esta antoridad pretendia y llevó a efecto tomarle un terre—

Sello Cuarto. Años de mil ochocientos cincuenta
Un Real. y mil ochiocientos cincuenta y uno.

—no para ejido en aquella poblacion que tambien save que ella resistia hasta las deposiciones del Govierno aunque este siempre le ofrecia su indemnizacion pero ella las resistia ignorando si fuere per que no le agrandase la cuantia que le huvieron propuesto.

A la 23a. pregunta dijo. Que lo relativo á las diferencias lo tiene espresado y es de poco interés lo que podres mas manifestar, por lo cual leida que se fué esta su declaracion dijo ser lo mismo que tiene dicho de cuarenta y ocho años de edad, estado casado

oficio Sannador y de Religion C. A. R., lo que firmó conmigo y los de mi assistencia como dho es doy feé.

Juan José Cavazos Benavides.

A. Manuel de la Viña. A.

Cristoval Leal. Man'l Cavazos G'rra.

Fecha del dia hallandose evacuada la declaracion por lo que se me pasó este espediente debuelban al Jusgado de primera instancia para los fines consequentes lo que anoto y rubrico.

Reynosa, Abril 4, de 1850.

Vistas las declaraciones que anteceden y hayarse terminados dispengo que tanto los interrogatorios vistos con la requisitoria de la Corte de los Estados Unidos por la que se hizo la referida practica se Rubriquen por mi lo mismo que las copias de la disposicion testimentaria del finado de D. Blas Maria de la Garza tomandose razón de las fojas para la formas entregar de modo que haya feé publica. El Juez de primera instancia C. Manuel de la Viña lo provee y firmo con los de mi asistencia de que doy feé.

A. Manuel de la Viña. A.

Cristoval Leal. Manuel Cavazos Guerra.

Se eutregaran estas diligencias en veinte y cuatro fojas utiles inclusive la requisitoria é interrogatorio lo que todas sus fojas ván rubricadas lo que pongo por diligencias y anote y rubrico.

(Rubric.)

On the envelope.

C. Y.

A LA CORTE DE DISTRITO DE LOS ESTADOS UNIDOS DE AMERICA, *para el Distrito de Texas.*

Diligencias de D. Rafael Garcia Cavazos y otros contra D. Simon Mussina.

Del Jusgado de 1a. instancia de la villa de Reynosa.

June 4th, 1850. Rec'd from the hands of Wm. G. Hale, Esq. and filed same day.

JAMES LOVE, *Clerk.*

Opened by consent of counsel, Nov. 14, 1850. No. 5.

JAMES LOVE, *Clerk.*

By GEORGE B. JAMES, *Deputy.*

Translation.

DISTRICT COURT OF THE UNITED STATES,
District of Texas.

RAFAEL GARCIA CAVAZOS, *et al.*,
vs.
SAMUEL MUSSINA.

Translation of the proceedings before the Judge of the First Justance of the town of Reynosa, in the State of Tamaulipas, in taking the depositions of D. Romualdo Guerra, D. José Antonio Zamara, D. Zipio Munguilla, D. Blas Maria Cavazos, Presbo. D. Antonio de la Garza y Rodriguez, and D. Manuel de la Viña, on the annexed Letter Rogatory and Interrogatories:

To the Judge of the First Justance of the Town of Reynosa:

We, William G. Hale, a citizen of the United States of America, Attorney at Law for the District Court of the said States for the District of Texas, and authorised by the said Court to present the Letter Rogatory which I annex to this petition, and Juan Treanor, resident of the city of Matamoras, as Attorney in fact of D. Rafael Garcia Cavazos and Doña Maria Josefa Cavazos, his wife, very respectfully represent to your Honor, that as well justice as the the interest of the said parties require that the dopositions of the witnesses named in the aforesaid Letter should be taken according to the form therein mentioned.

Wherefore we pray your Honor to be pleased to order that whatever may be necessary in the present case shall be done in order to comply with the wishes of the said Court.

Reynosa, April 1st, 1850.

WILLIAM G. HALE,
JUAN TREANOR.

TOWN OF REYNOSA, April 1st, 1850.

The foregoing petition having been presented for all legal purposes, together with the papers of the Letter Rogatory directed by the Judge of the District Court of the United States of America, dated in Galveston, District of Texas, to the Court over which I preside. Let the said letter be followed up, preserved and executed in all the parts, together with the other documents to which reference is made. In consequence, let the corresponding citations be served upon the witnesses to secure their appearance, and when the business is finished let the original be delivered to the interested party. I, the citizen Manuel de la Viña, Judge of the First Justance of this town and its jurisdiction, have thus ordered and signed, with my assisting witnesses, in the absence of a Notary Public, there being none within the distance prescribed by law.

MANUEL DE LA VINA.

Ass.
Cristoval Leal.

Ass.
Manuel Cavazos Guerra.

Thereafter were served the citations whereof my preceding order makes mention, as proof of which I make this note and my rubric.

(A Rubric.)

In the Town of Reynosa on the First of April, one thousand eight hundred and fifty:

In obedience to the preceding order, appeared D. Romualdo Guerra, and I administered to him in his proper person, which I certify I know, the oath in due form of law, that he would speak the truth as to all that he might know and be asked, and being thus interrogated, in conformity to the interrogatories directed to him by the party, which were read to him, and being informed of their contents, he answered:

To the 1st interrogatory.—That he is acquainted with D. Rafael Garcia Cavazos and his wife, Doña Maria Josefa Cavazos, and with Doña Estafana Goseascochea de Cortina, the plaintiffs, and that he likewise knows Doña Angela Garcia, widow of Lafon, and afterwards of Tarneva, and D. Manuel Prieto. That as to the other persons embraced in the interrogatory, he is not acquainted with them.

To the 2d interrogetory.—That he is seventy-four years of age; that from his birth to the present he has not removed from this town of Reynosa, where he resides.

To the 3d interrogatory, he said—That he he did not personally know D. José Salvador de la Garza, although he knew that he was a man of considerable means.

To the 4th interrogatory, he said—That the said D. José Salvador de la Garza was, as he has said, a man of great means, well respected and esteemed, so that he even came to be Captain of the town of Camargo, where he lived.

To the 5th interrogatory, he said—That he was not personally acquainted with the wife of Don José Salvador de la Garza; that he knows that he had three children, although the deponent was only acquainted with his son, D. Blas Maria de la Garza; that consequently he does not know how long the said D. Salvador and his wife were married.

To the 6th interrogatory, he said: That he knows the tract of land as to which he is asked, called the "Agostadero del Espiritu Santo," and by another name, "Rancho Viejo del Posote," since in the lifetime of his father, the deponent being then a youth, he lived together with him in the said "Agostadero," at a rancho his father established, called Santa Rosalia; that for eighteen or twenty years the stock of his father remained there, and that all those lands in that time belonged to the jurisdiction of Reynosa.

To the 7th interrogatory, he said: That the tract of land extended from the banks of the Rio Grande to the Arroyo Colorado, and to the Lagunas Madres; that in those points must be its

boundaries; that in ancient times the name of "Potrero" was not usually given to it; that the "Agostadero" was known by various names: such were the places, San Antonio, El Mesquital, la , Buena Vista, Los Lovitos, el Reparo, Santa Isabel, and various others which deponent omits.

To the 8th interrogatory, he said: That when his father entered upon the Agostadero del Espiritu Santo, he did so with the knowledge of D. Blas Maria de la Garza, not recognizing any other owners than the one just mentioned, and his brothers-in-law, San D. Pedro Prieto and D. José Goseascochea, the first living in the Rancho of "las Prietas," now opposite to Matamoras, D. Pedro in "El Tanque," and Goseascochea in Santa Rita: that he knows nothing more of the subject of the interrogatory.

To the 9th interrogatory he said: That he knows nothing of its subject.

To the 10th interrogatory, he said: That the large stock were very numerous, although he is not able to state their number, as is often the case with stocks of mules and horses; that Don Blas had the least; that he has already mentioned the names of the ranchos of those persons.

To the 11th interrogatory, he said: That he has already said that he was acquainted with D. Blas Maria de la Garza; that his father was D. Salvador de la Garza; that the wife of Don Blas was Doña Francisca Cavazos, and that he did not know that they had any children.

To the 12th interrogatory, he said: That he does not recollect where D. Blas Maria de la Garza died; that in his lifetime he was respected and esteemed by the people.

To the 13th interrogatory, he said: That he was personally acquainted with Doña Maria Francisca Cavazos; that this lady survived her husband quite a number of years, without deponent's being able to state how many; that while a widow she continued to live in the part of the "Agostadero" in "las Prietas," and, after the town of Matamoras was founded, in that place.

To the 14th interrogatory, he said: That he was acquainted with Doña Maria Ygnacia Cavazos, that the said lady lived in this town and that she was the sister of Doña Francisca Cavazos, that Doña Ignacia was married to D. Macsimo Cavazos, and had the following children, Doña Josefa Cavazos, Doña Juliana, Doña Gertrudis. D. Narciso and D. Macsimo Cavazos.

To the 15th interrogatory, he said: That from the time when Doña Francisca Cavazos died, D. Rafael Garcia Cavazos through his wife Doña Josefa D. Manuel Prieto through his father D. Pedro: and Doña Estefana, through her father D. José Goseascochea, have continued in possession, that he does not know whether other persons have possession by means of purchases which they have made.

To the 23d and last interrogatory, he said: That he has nothing

more to state, that what he has said is the truth, which he has affirmed and ratified upon this his deposition being read over to him, declaring that his name was as above stated, that he was married, and by occupation a stockraiser, etc.: all which, for proof thereof, he has signed with me, together with my assisting witnesses, in the absence of a notary public. I certify.

MANUEL DE LA VINA,

ROMUALDO GUERRA.

Ass. Cristoval Leal.

Ass. Manuel Cavazos Guerra.

In the town of Reynosa on the second day of the month of April, one thousand eight hundred and fifty, appeared before me. D. José Antonio Zamora, resident in this town, and I administered to him in due form of law, and in his proper person, which I certify I know, the oath by which he declared that he would speak the truth as to all that he might know or should be asked, and being interrogated according to the tenor of the interrogatories which were read to him, he answered:

To the 1st interrogatory: That he is personally acquainted with D. Rafael Garcia Cavazos, and his wife Doña Maria Josefa Cavazos, but that he did not know Doña Estefana Goseascochea de Cortina nor D. Simon Mussina.

To the 2d interrogatory he said: That he is seventy-three years old, that he has always been a citizen of this town, living for the most part in the Rancheria of Old Reynosa on the banks of the Rio Bravo.

To the 3d interrogatory, he said: That he was not acquainted with D. Salvador de la Garza.

To the 4th interrogatory, he said: That he has understood from report that he was respected in the town of Camargo, where he knew his residence to be, and that he knows nothing as to the rest of the interrogatory.

To the 5th interrogatory, he said: That he did not know who was the wife of D. Salvador de la Garza; that his children were D. Blas Maria de la Garza, and the wives of D. Pedro Prieto and D. José Goseascochea, but he does not know the names of the said wives.

To the 6th interrogatory, he said: That he did know the tract of land; that the name of Espiritu Santo was given to it, and he did not know it by the name of Potrero; that his acquaintance with it exceeds, without doubt, thirty years.

To the 7th interrogatory, he said: That the tract of land, which is mentioned to him, extends from the Rio Grande, opposite to Matamoras, in the direction of the Arroyo Colorado, but he does not know whether its boundaries reached the said Arroyo or not, and that he is also ignorant why it is called Potrero.

To the 8th interrogatory, he saith: That he does not know who

may have been the individual who first discovered the tract of land (discribridór del terrenó); that what is certain, he did know it in the power of D. Blas Maria de la Garza and his brothers-in-law, D. José Goseascochea and D. Petro Prieto.

To the 9th interrogatory, he said: That he has understood that D. Narciso Cavazos and D. Salvador de la Garza had a dispute about the land, but he does not know how the controversy terminated.

To the 10th interrogatory, he said: That he does not know how many cattle or stock they had; that he does know that D. Blas Maria de la Garza was one of the heirs, as a son, and also his two sisters, whose names deponent does not know; that the ranchos, which they occupied, were in the following places: D. Pedro Prieto's in "El Tauque," D. José Goseascochea's in "Sarita Rita," and D. Blas Maria de la Garza's in the place called "las Prietas."

To the 11th interrogatory, he said: That he was personally acquainted with D. Blas Maria de la Garza, who was the son of D. Salvador of the same name, and that the said D. Blas married Doña Francisca Cavazos; deponent is ignorant whether they had issue or not.

To the 12th interrogatory, he said: That he does not know where D. Blas Maria de la Garza died; but deponent does know that he was respected and beloved by the community.

To the 13th interrogatory, he said: That he was personally acquainted with Doña Francisca Cavazos; that this lady survived her husband many years, but cannot state how many; that he is satisfied she lived on the tract of land in the rancho or place of "las Prietas."

To the 14th interrogatory, he said: That he was acquainted with Doña Maria Ignacia Cavazos; that she always lived in this town, before and after Doña Francisca Cavazos, these two ladies being sisters; that Doña Ignacia Cavazos married D. Macsimo Cavazos, and they had the following children, Doña Bartolo Cavazos, D. Narciso Cavazos, Doña Maria Josefa Cavazos, Doña Gertrudio Cavazos, Doña Juliana Cavazos and D. Macsimo Cavazos.

To the 15th interrogatory, he said: That he has recognized, as possessors, D. Blas Maria de la Garza, D. Pedro Prieto, D. José Goseascochea, and at the present time their heirs.

To the 23d interrogatory, he said: That he knows nothing more; that what he has stated is the truth, declaring that he is married; by occupation an agriculturist and of the apostolical and Roman Catholic Church, all which he does not sign, not knowing how to write, but I do so for him with my assisting witnesses, in the absence of a notary public. I certify.

MANUEL DE LA VINA.

Ass. Manuel Cavazos Guerra.

Ass. Cristoval Leal.

In the same town on the said day, month and year, appeared D. Blas Maria Cavazos, another of the witnesses cited, and I administered to him in his proper person, which I certify I know, the oath in due form of law, by which he declared that he would speak the truth as to what he might know and should be asked, and being interrogated according to the tenor of the interrogatories addressed to him, in reply to the first interrogatory, he answered:

To the 1st interrogatory: That he is acquainted with D. Rafael Garcia Cavazos, with his wife, Doña Josefa Cavazos, and also with Doña Angela Garcia and with D. Manuel Prieto.

To the 21st interrogatory, he said: That the copy of the will of D. Blas Maria de la Garza, which is shown to him marked F. F., consisting of ten sheets of stated paper, is legal, the signature with which the said copy is authorized at the end thereof is his own, and the same as he has always been accustomed to use; that all that is written on the said ten leaves is taken literally from the said original will of the aforesaid deceased, D. Blas Maria de la Garza; that when he authorized it, in eighteen hundred and twenty-four, he was First Constitutional Alcalde.

To the 23d interrogatory, he said: That as he knows not the origin, causes and motives which may have caused a difference between the plaintiffs and defendant, he can answer nothing on this account, except that what he has said thus far is the truth (this deposition having been read to him); declaring that he was fifty-two years old, a widower, by occupation a farmer, of the apostolical Roman Catholic faith, and a native and citizen of this town. In virtue whereof, he has signed with me and my assisting witnesses. I certify.

MANUEL DE LA VINA.

BLAS MA. CAVAZOS.

Asst. wit.
Cristoval Leal.

Ass. wit.
Manuel Cavazos Guerra.

In the Town of Reynosa, on the third of April, one thousand eight hundred and fifty, appeared before me, as one of the witnesses cited, D. Zipio Munguilla, and I administered to him in his proper person, which I certify I know, the oath which he took in due form of law, by which he declared that he would speak the truth, as to all he might know and should be asked, and being interrogated according to the tenor of the interrogatories addressed to him, he answered—

To the 1st interrogatory.—That he knows by sight, D. Rafael Garcia Cavazos, and that he knew his wife Doña Maria Josefa Cavazos, when a child, that he does not know the other persons as to whom he is asked.

To the 2d interrogatory, he said—That he is seventy-two years old, and that he is a native and resident of this town, on the right bank of the Bravo.

To the 3d interrogatory, he said—That he did not know D. Salvador de la Garza.

To the 4th interrogatory, he said—That he knows nothing as to this question.

To the 5th interrogatory, he said—That he does not know who was the wife of D. Salvador de la Garza, and he does not know whether he had children or not.

To the 6th interrogatory, he said—That he does not know the estate of the name of Potrero or Espiritu Santo, about which he is asked.

To the 7th interrogatory, he said—That he is ignorant of the subject of the interrogatory.

To the 8th interrogatory, he said—That he is ignorant as of the former question.

To the 9th interrogatory, he said—That he knows nothing as to this.

To the 10th interrogatory, he said—That he knows absolutely nothing of the subject of the interrogatory.

To the 11th interrogatory, he said—That as he does not know the persons as to whom he is asked, he is consequently ignorant of the subject of this interrogatory.

To the 12th interrogatory, he said—That he does not know where D. Blas Maria de la Garza died, nor anything contained in this interrogatory.

To the 13th interrogatory, he said—That he was acquainted, by sight, with Doña Francisca Cavazos, but does not know how long she survived her husband, nor anything else with respect to the interrogatory.

To the 14th interrogatory, he said—That he was acquainted with Doña Maria Ignacia Cavazos, and she lived in this town, but he does not know what relation she bore to Doña Francisca Cavazos; that Doña Ignacia Cavazos was married to D. Macsimo Cavazos, and they had the following children, Doña Maria Josefa Cavazos, Doña Juliana, Doña Bartola, Doña Gertrudis, D. Narciso, and D. Macsimo Cavazos.

To the 15th interrogatory, he said—That he does not know what persons have now, or have had until the present time, possession in the tract of land, as to which he is interrogated.

To the 23d interrogatory, he said—That he knows nothing absolutely as to what he is asked in this interrogatory, but what he has said is the truth; declaring that he is married, by occupation a farmer, and of the Apostolical Roman Catholic Faith, and this, his deposition, having been read to him, he said that it was the same that he had given, but he did not sign it, not knowing how

to write, and I have done so, with my assisting witnesses, in the absence of a Notary Public. I certify,

MANUEL DE LA VINA.

Ass. Ass.
Christoval Leal. Manuel Cavazos Guerra.

In the town of Reynosa, on the third day of the month of April, one thousand eight hundred and fifty, before me, and in my Court appeared D. Antonio de la Garza Rodriguez, priest and curate of this town, and I administered to him in his proper person, which I certify I know, the oath in due form of law, which oath he took upon the Holy Bible, by which he declared he would speak the truth as to all which he might know, and should be asked, and being interrogated to the tenor of the interrogatories addressed to him.

To the 1st interrogatory, he said—That he was acquainted personally with D. Rafael Garcia Cavazos and his wife, Doña Maria Josefa Cavazos, that he knew, by sight, Doña Angela Garcia Lafon de Tarneva, and did not know the rest of the persons mentioned in the interrogatory.

To the 22d interrogatory, he said—That the signature which appears at the end of the certificate of the registry of the marriage of D. Rafael Garcia Cavazos with Doña Maria Josefa Cavazos, is his own, and that which he is accustomed to use in all affairs presented to him, as well ecclesiastical as civil, and that the contents of the copy of the registry is taken faithfully and legally, and literally, from the respective book mentioned in it.

To the 23d interrogatory, he said—That he knows absolutely nothing as to the subject of this interrogatory, that what he has said is the truth, and his declaration having been read over to him, he declared that he was thirty years old, signing it with me and my assisting witnesses. I confirm,

MANUEL DE LA VINA,

Presbo. Antonio de la Garza y Rodriguez.

Ass. Ass.
Cristoval Leal. Manuel Cavazos Guerra.

Reynosa, April 4th, eighteen hundred and fifty.

The depositions of the witnesses having been found in this town being taken, and after making inquiry as to the remaining citizens who are mentioned in the interrogatories, they being found to be out of my jurisdiction, observing that there is alone wanting the deposition required from the citizen Manual de la Viña, who is the present Judge, and in order to give it, it being necessary to do so before another Judge, who may administer the oath to him, therefore, I order that this proceeding, and in order alone to take this deposition, pass to the third Constitutional Court, in consequence of the second Judge being provi-

sionally suspended from acting by an order of the government, and let notice be given of this order to the applicants for their recognition, I, the Judge of the first Justance, have thus ordered and signed with my assisting witnesses, with whom I act in the said manner for want of a Notary Public, which I certify.

MANUEL DE LA VINA.

Thereafter in accordance with a previous citation, appeared William G. Hale and Juan Treanor, in their proper persons, which I certify I know, and I notified them of the foregoing order, and having heard it, they said that they hear it, and sign with me and my assisting witnesses. I certify.

MANUAL DE LA VINA.

WILLIAM G. HALE. JUAN TREANOR.

Let these proceedings pass to the third Court, as directed in the order of this date, to confirm which I make this note and my rubric.

(A Rubric.)

REYNOSA, April 4, 1850.

Let the instructions presented in the order of this date of the Judge of the first Justance be complied with, and let D. Manual de la Viña be cited in fact, that his deposition may be taken, I, the citizen Juan José Cavazos Benavides, third Constitutional Alcalde of this city and its jurisdiction, have thus ordered and signed with my assisting witnesses, in the absence of a Notary Public.

JUAN JOSÉ CAVAZOS BENAVIDES.

Ass. Ass.
Cristoval Leal. Manual Cavazos Guerra.

And immediately the citation, of which my foregoing order makes mention, was made as evidence, whereof I make this note and my rubric:

(*A Rubric.*)

In the town of Reynosa, on the fourth day of April, one thousand eight hundred and fifty, before me, the Third Constitutional Judge, appeared in my Court D. Manuel de la Viña, and I administered to him, in his proper person, which I certify I know, the oath in due form of law, by which he declared that he would speak the truth as to all which he might know and should be asked, and being interrogated according to the interrogatories addressed to him.

To the 1st interrogatory, he said: That he is acquainted, by sight, with D. Rafael Garcia Cavazos and Doña Estefana Goseascochea de Cortina; that he has not the honor to know Doña Maria Josefa Cavazos; that he also knows D. Carlos Stillman and Doña Maria Angela Garcia Lafon de Tarneva; he knows, like-

wise, D. Ramon Lafon the younger, D. Manuel Prieto, *and D. Manuel Prieto,* and he does not know the other persons mentioned in the interrogatory.

To the 16th interrogatory, he said: That the document presented to him, marked with the letters F. F., and authorized by D. José Antonio Leal de Leon, is the same as he was always accustomed to use in his lifetime, and that when he signed it he was First Constitutional Alcalde of this town; that the said Leal de Leon has been dead for some time, but that it is his real and actual signature.

To the 17th interrogatory, he said: That the signature, which appears at the end of the document presented to him, is that of the deponent as assisting witness of the Judge, who authorized the said copy, and by this fact it is a copy faithfully and legally taken from the original.

To the 18th interrogatory, he said: That he was acquainted by sight with Doña Francisca Cavazos, and with Doña Ignacia Cavazos by conversation and communication; that he knows no possibility of doubting that they were legitimate sisters.

To the 19th interrogatory, he said: That he does not know the place, or rancho, which Doña Francisca Cavazos held, but that he does know that the land of the aforesaid lady extended from the left bank of the Rio Grande, opposite to Matamoras; that the distance from this last city to the land of the said lady, he believes, was a little more than a quarter of a league, and this he knows from public reputation and report.

To the 20th interrogatory, he said: That he knows that Doña Francisca Cavazos has maintained a controversy (pl'eito) or suit with the Ayuntamiento of Matamoras on account of that authority claiming and taking from her a tract of land for "ejido" for that town; that she also knows that she resisted even the orders of the government, though the latter always offered her her indemnification, but she resisted, deponent being ignorant whether this was because the amount they proposed to her did not please her.

To the 23d interrogatory, he said: That as to the differences, he has already stated what he knew, and indeed what he might state further is of little interest; upon which this his deposition having been read to him, he said it was the same that he had stated; that he is forty-eight years of age, married, by occupation a tiller of the soil, and of the Apostolic Roman Catholic faith, all which he has signed with me and my assisting witnesses, as the law requires. I certify,

JUAN JOSE CAVAZOS BENAVIDES.

MANUEL DE LA VINA.

Ass. Christoval Leal.

Ass. Manuel Cavazos Guerra.

On the same day, the deposition, on account of which these

proceedings were passed to me, having been taken, let them be returned to the Court of the First Justance, for the purposes for which I make this note and my rubric.

(A Rubric.)

Reynosa, April 4th, 1850.

Having examined the preceding depositions which have been concluded, I order that as well the interrogatrries, bound with the Letter Rogatory of the Court of the United States, for which these proceedings are had, shall be rubricated by me, as also the copies of the will of the deceased D. Blas Maria de la Garza, reckoning the leaves for their formal delivery, so that this may have public faith. I, the Judge of the First Justance, citizen Manuel de la Viña, have thus provided and signed with my assisting witnesses, which I certify.

MANUEL DE LA VINA.

Ass. Ass.
Cristoval Leal. Manuel Cavazos Guerra.

These proceedings have been delivered on twenty-four legal leaves of paper, including the Letter Rogatory and the Interrogatories, all the leaves of which are marked with my rubric. And this I confirm by this act and note, and affix here my rubric.

(A Rubric)

(*On the envelope:*)

To the District Court of the United States of America, for the District of Texas.

Proceedings on the part of D. Rafael Garcia Cavazos and others against D. Simon Mussina.

From the Court of the First Justance of the town of Reynosa.

The foregoing is a correct translation of the original on file in this cause, made in accordance with an order of the Court.

WILLIAM G. HALE.

DEPOSITIONS FROM MATAMORAS.

[Of Lopez, Inojosa, Longeria, y Lerna, Galindo, Tortilla and Prado.]

On the outside cover.

Numº. 2.

Matamoras, Abril 19, de 1850.

Diligencias practicadas en el negocio que siguen en la corte del Distrito de Texas, les Señores Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, su esposa, y Doña Estefana Goseascochea de Cortina, contra Don Simon Mussina.

Jusgado de 1a. Instancia, con testigos de asistencia.

Sello Tercero. Cuatro Reales. | Años de mil ochocientos cincuenta, y mil ochocientos cincuenta, y uno.

Le Juez de 1a. Instancia de la Ciudad de Matamoras.

Guillermo G. Hale Licdº. de la Corte de Distrito de los E.E.V.V. de America para el Distrito de Texas, y autorizado por la dicha corte para presentar á V. S. las cartas Requisitorias que acompaña, y Juan Treanor vecino de esta ciudad, y apoderado de Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, y Doña Estefana Goseascochea de Cortina, muy respetuosamente manifestamos á V. S. que tanto la Justicia como el interes de las dichas partes exigen que las deposiciones de los testigos que se presentaron con ese fin seran evacuadas segun la forma, ya indicada en las cartas antedichas. Por tanto A. V. S., suplicamos se sirva obsequiar los derechos de la dicha corte el atencion que son derechos de ciudadanos Mejicanos, que estan envueltos en esta causa.

Matamoras, Abril 18, de 1850.

Guillermo G. Hale. Juan Treanor.

Matamoras, Abril 19, de 1850.

Por presentado con la carta Requisitoria é interrogatorio que se acompañan, guarden cumplase, y executese lo que en ella solicita el Señor Juez requerente por quien está espedida. En consecuencia notifiquese á las partes promoventes presentar al Jusgado los testigos que á fin de que sea examinados por los particulares que les comprendan. Lo mando, y firmo yo el cuidadano Pedro José de la Garza, Alcalde Primero Constitucional de esta cuidad, y Juez de 1a. instª. de este Departmento del Norte de Tamaulipas actuando con testigos de asistencia por ocupacion del Escribano Publico: doy feé.

Pedro J. de la Garza.

Assa. Leonardo Espinosa.

Assa. Cristoval Leal.

En el mismo dia mes, y año presentes en el Jusgado los Señors Lic Don Guillermo G. Hale, y Don Juan Treanor les notifique el auto anterior, y enterados ofrecion complimentarlo en la parte que les toca, y firmaron conmigo, y los de mi assistencia con quienes actuo por la razon dicha doy fé, de la Garza.

Guillermo G. Hale. Juan Treanor.

Assa Assa
Leonardo Espinosa. Cristoval Leal.

En la ciudad de Matamoras á los diez, y nueve dias del mes de Abril de mil ochocientos cincuenta años presente en el Jusgado Don Victoriano Lopez uno de los testigos comprehendido en el interrogatorio de que se habla en el autos con que dar principio estas diligencias, le recibi juramento que hiso en la forma dispuesta por derecho bajo cuyo cargo ofrecio decir verdad en lo que supiere preguntado, y siendolo al tenor de los particulares que en dicho interrogatorio le comprender, contesto.

A la primera: Que conoce perfectamente á

Sello Tercero.		Años de mil ochocientos cincuenta, y
Cuatro Reales.		mil ochocientos cincuenta, y uno.

todas las personas demandadores que se mensionian en esta pregunta no asi al demandado, Don Simon Mussina cuyo individuo le es del todo desconosido, y responde.

Al segundo: Que es de setenta años de edad, y vive actualmente en esta ciudad de donde es vicino que hace veinte, y un años que habita cerca de la orilla del Rio Grande en la jurisdicion de esta ciudad durante los cuales ha vivido, en el Rancho do Soledad por la margen derecha de dicho Rio cosa de dos años, cuatro á la margen izquierda del mismo Rio en el Rancho de Don Sabas Cavazos, y el demas tiempo en esta referida ciudad: y responde.

A la duodecima: Que conocio perfectamente á Don José Salvador de la Garza, y que su Hacienda principal le consta al declarante que la tenia en el Agostadero del Esperitu Santo: bajo cuyo nombre era conocida dicha Hacienda, y responde.

A la vigesima primera: Que le consta que Doña Estefana Goseascochea vive

Sello cuarto.		Años de mil ochocientos cincuenta
Un Real.		y mil ochocientos ciucuenta, y uno.

por la margen izquierda del Rio Grande, un poco mas arriba de la Villa nueva, y esta situado su Rancho sobre Agostadero del Espiritu Santo; que igualmente le consta que dicha Señora habitaba su referido Rancho en el mes, y año que menciona la pregunta, y responde.

A la trigesima: Que nada sabe en pos mi en contra de los demandadores, y demandado, y responde que lo que ha declarado es la verdad en cargo de su juramento que es natural de Camargo,

y vicino de esta ciudad de setenta años de edad: Se leé le, te su declaracion, y dijo estan fielmente escrita no firmando por espresar no suber lo haeér, lo hize yo el Juez con los de mi asistencia con quienes actuo por la razon dicha; doy fé.

De la Garza.

Assa. Assa.
Leonardo Espinosa. Cristoval Leal.

En la ciudad de Matamoras, á los veinte, y dos dias del mes, y año presente en el Jusgado Don Pio Quinto Inojosa unos de los testigos en este negocio le recibi juramente que hizo que la forma dispuesta por derecho, bajo cuyo cargo ofrecio decir verdad lo que supiere, y fuere preguntado, y siendolo al tenor de las preguntas que le comprender en el interrogatorio bajo el cual si esta recibiendo esta informacion contestó.

A la primera: Que conoce personalmente á los demandadores á ecescion de Doña Estefana Goseascochea de Cortina, y unicamente sabe que está señera fué esposa del finado Don Trinidad Cortina, que al demandado Don Simon Mussina no lo conoce el declarante, y responde.

A la segunda: Que es de cincuenta años de edad que vivo en el rancho de San Juan sobre la mangen derecho del Rio por el comino que va de esta ciudad á la Burrita que toda su edad la ha pasado habitando cerca de la orilla del Rio Grande pues vivio en Reynosa desde su infancia hasta el año de 1810, y desde esta ficha ha vivido en la jurisdicion de esta ciudad, y responde.

A la duodecima: Que no conocio á Don José Salvador de la Garza, pero ha oido decir que su hacienda la tenia en Agostadero de la margen izquierda del Rio Grande, y era conociela bajo el nombre de Rancho del Pezole á cuyo paraje le dan ahora el nombre de rancho Viejo, y responde.

A la decima tercera: Que ya tiene dicho en su anterior contestacion que no conocio al esperado Don José Salvador de la Garza, y responde.

A la decima cuarta: Que aunique no cónocio como tiene dicha al referido Don José Salvador de la Garza ha oide decir que era respetado, y disfrutaba de la estimacion, y áprecio de todos los habitantes de estos terrenos en la epoca de su ecsistencia: que era rico, y hombre de mucha importancia, y consideracion, y responde.

A la decima quinta: Que yá tenia dicho en la duodecima pregunta; que ha oido desir que al Rancho de Don José Salvador de la Garza.

Sello Cuarto. Años de mil ochocientos cincuenta
Un Real. y mil ochocientos cincuenta y uno.

le daban el nombre del Posole y actualmente llaman al paraje

donde estaba situado Rancho Vieje que ignora las leguas que haya de este Punto á Brownsville y responde.

A la decima sesta: Que ignora las fincas de casas hacales, corrales y cercas y que haya plantado Don José Salvador de la Garza en dicho Rancho, pero que ha oido decir que en el criaba el ante dicho y mantenia mucho ganado mayor y menor de ambas especias y responde.

A la decima septima: Que no conoce dicho Potrero ó Agostadero del Espiritu Santo pero que sabe por que asi lo ha oido decir por voz general que dicho nombre de dar al Agostadero y comprendido entre el Arroyo Colorado y este Rio Grande que asi mismo ha oido decir que dicho Agostadera fué desubcriento y poblado por el referido Don José Salvador de la Garza y que a este individuo le fue marcedado y responde.

A la decima octava: Que en el espresado.

Sella Cuarta. Un Real. Años de mil ochocientos cincuenta y mil ochocientos cincuenta y uno.

Agostadero del Espiritu Santo sabe el declarente que se establecieron, el de Santa Rita, San Rafael y El Tanque los cuales fueron estabcidos por los herederos de Don José Salvador de la Garza que anuque de los parajes que se nombran al fin de la pregunta solo conoce al de los Yndios y Mesquite, le consta que los demas se hallan dentro de la demarcacion del Agostadero del Espiritu Santo y respondo.

A la decima nona: Que despues de la muerte de Don José Salvador de la Garza fué poseedor de dicho terreno su hijo D. Blas Maria de la Garza y despues del faliciiento de este la sigio poseyendo su esposa Da. Fran'ca Cavazos á quien dijo el ante dicho de heredera, y que ademas ha savido el que habla que ha poseido dicha terreno Dn. Manuel Prieto y Dn. Antonio Prieto, Doña Feliciana Goseascochea de Tipernia, y la espesa de Don Trinidad Cortina, y responde.

A la vigesima: Que á uniguna de las personas que se mencionian en esta pregunta conocia personalmente, pero le consta que la ultima es decir Da, Javiera fué madre de Doña Estefana Goseascochea de Tipernia y de la esposa de Don Trinidad Cortina que esta cierto que Don Blas Maria de la Garza no tuve familia ignorando si Da. Margarita de la Garza hayá tenido y responde.

A la vigessima primera: Que sabe que el Rancho de Doña Estefana Goseascochea se halla un poco mas arriba de la vista nueva situado sobre el Agostadero del Espiritu Santo y que dicha Sra. esta escrito el que habla que estaba habitando su repetido Rancho en el mes y año á que se refeire la pregunta y responde y que Da. Angela Garcia casó con D. Ramon Lafon por primera vez.

A la trigesima: Que cuanto sabe á favor de los demandantes es que dicho terreno ha side siempre reconocido por de de la pro-

piedad de los ante dichos, cuya circumstancia es notoria y por ultimo que nadie sabe que sea favorable al demandado y responde que lo declarado es la verdad en cargo de su juramento; que es natural de la villa de Reynosa, veino de esta ciudad, casado, Labrador, de cincuenta años de edad, se le leyó su declaracion y dijo esta fielmente escrita y firmo con migo y los de mi asistencia con quienes actuo. doy fé.

De la Garza. Pio Quinto Ynojosa.

Assa. Assa.
Leonardo Espinosa. Cristoval Leal.

En la ciudad pe Matamoras, á los veinte y tres dias del mes de Abril, de dicho año, presente en el Jusg'do D. Juan Longoria y Serna una de los testigos para esta informacion le recibi juramento que hizo en la forma dispuesta por derecho bajo cuyo cargo ofrecia decir verdad en lo que supiere y fuere preguntado y siendolo al tenor de las preguntas que le comprenden en el interrogatorio adjunta á la carta requisitoria de cuyo cumplimento se trata contestó.

A la primera: Que conoce personalmente á los demandantes que se espresan en esta pregunta no asi al demandado que tambien se menciona en dicha pregunta pues á este nunca le ha conocido y responde.

Sello Cuarto. Años de mil ochocientos cincuenta
Un Real. y mil ochocientos cincuenta y uno.

A la segunda: Que es de setenta y cuatro años de edad y vive en su rancho nombrado San Juan de Dios dentro de la jurisdiccion de esta ciudad, que desde la edad cosa de catorce años habita en la jurisdiccion de esta referida ciudad cerca de la orilla del Rio Grande y responde.

A la duodecima: Que no conocio al individui á que se refiere la pregunta y tampoco supe donde tenia su hacienda principal bajo el nombre que esta fuere conocida y responde.

A la decima tercera: Que yá tiene dicho al contestar á la pregunta anterior que no conocio á D. José Salvador de la Garza y por consiguiente ignora al contenido de esta pregunta y responde.

A la decima cuarta: Que como no conocio el declarante al individuo que se mensiona ignora el contenido de la pregunta y responde.

A la decima quinta: Que igualmente ignora el contenido de la pregunta y responde.

A la decima sesta: Que asi mismo ignora lo que se le pregunta y responde.

A la decima septima: Que ha oido nombrar un Potrero ó Agastadero por el Espiritu Santo en la margen izquierda del Rio Grande pero que el declarante no lo conoce ni sabe cual es su

comprencion; que igualmente ignora por quien hayo sido su primitivo poseedor ni á quien fué mercedado, y responde.

Sella Cuarto
Un Real.

Años de mil ochocientos cincuenta y mil ochocientos cincuenta y uno.

A la decima octava: Que ignora los ranchos que estubieren en dicho Agostadero, ni per quienes y que asi mismo no sabe donde estan los Ranchos ó parage que se cita en esta pregunta y responde.

A la decima nona: Que sabe que Don Blas Maria de la Garza y Doña Javiera de la Garza hijos de D. José Salvador de la Garza tenian en posecion el primero del Rancho del Posole y la segunda en Santa Rita pero que no sabe si dichos Ranchos se hallaron sobre el terreno de Espiritu Santo que despues del fallecimiento de los ante dichos siguieren su posecian de dichos Ranchos Da. Franca. esposa de Da. Blas de la Garza, en el que llamaban Posole y en Santa Rita, Da. Estefana Goseascochea y Da. Feliciana del mismo apellido hijos de Da. Javiera de la Garza, y responde.

A la vigesima: Que de las tres personas á que se contrae la pregunta solo conocio á D. Blas Maria de la Garza y Da. Javiera del mismo apelledo y que el primero casó en Doña Francisca Cavazos de cuyo matrimonio no supo que tuvieron subricun y la segunda es decir Doña Javiera de la Garza casó con Dn. José Goseascochea y tubieron y sus dos hijos Doña Estefana y Doña Feleciana Goseascochea, y responde.

A la vigesima primera: Que sabe que Da. Estefana Goseasoochea ha tenido y tiene su rancho sobre la margen izquierda del Rio Grande pero que no sabe si este estará situado sobre el terreno que llaman Espiritu Santo ignorando tambien si dicha S'ras estaria habilando su repetido Rancho el mes y año que se refiere, en esta pregunta, y responde.

A la vigesima segunda. Que no conocia saber visto el testimonio del titulo á que se contrae la pregunta y responde.

A la vigesima tercera. Que el declarante asistio á la medida de terrenos para Dn. Rafael Garcia, Don Manuel de la Garza, Dn. Ygnacia Treviño en los años á que se refiere la pregunta, ignorando si el terreno que se media es el que llaman Espiritu Santo; que no supé que Dn. Matias Garcia como Alcalde pidiere en aquella vez y le fuere presenta dos los titulos de que tambien se hace mencion y responde.

A la vigesima cuarta: Que ignora el contenido de la pregunta, y responde.

A la vigesima y ultima: Que nada sabe que sea de provecho á los demandadores y demandado y yor lo mismo no puede declarar mas que lo que deja dicho y lo que en diligencia separada declaro ante el consul de los Estados Unidos del Norte America,

relativo á terrenos de la margen izquierda del Rio Grande, y responde que lo declarado es la verdad en cargo de su juramento que es

Sello Curato. Un Real. — Años de mil ochocientos cincuenta, y mil ochocientos cincuenta y uno.

natural de Camargo y vecino de esta ciudad casado, criador de de setenta y cuatro años de edad se le leyo su declaracion y dijo estar fielmente escrita y firmo con migo y los de mi asistencia con quienes actuo por ocupacion del Es'no Publico, doy fé.

At. de la Garza. — J. Longa. y Serna.

Assa. Leonardo Espinosa. — Assa. Cristoval Leal.

En la ciudad de Matamoras a los veinte y seis dias de dicho mes y año presente en el Jusgado Don Marcos Galindo uno de los testigos comprendidos en el interrogatorio bajo que se esta recitidando esta informacion, le recibe juramento que hizo en la firma dispuesto por derecho bajo cuyo cargo ofreció decir verdad con lo que supiere y fuere preguntado y siendolo al tenor de las preguntas que le.

Sello Cuarto. Un Real. — Años de mil ochocientos cincuenta, y mil ochocientos cincuenta y uno.

corresponden en dicho interrogatorio, contesto.

A la primera: Que de los demandantes solo conoce de trato y comunicacion á Dn. Rafael Garcia Cavazos no asi á su esposa Doña Josefa Cavazos pues á esta S'ra solo la conoce de vista y á la ultima es decir á Da. Estefana Goseascochea de Cortina no la conoce; que al demandado D. Simon Mussina tambien lo conoce de vista, y responde.

A la segunda: Que es de cuarta años de edad, y vive en esta cuidad hace diez y seis años siendo este el mismo tiempo que tiene de habitar cerca de la orilla del Rio Grande, y responde.

A la novena: Que efectivamente se hallaba de testigo de assistencia en la epoca á que se refiere la pregunta y que por lo mismo le consta ser cierto dado su contenido, y responde.

A la decima: Que le consta que Don Juan Tipernia fué quien presentó al Alcalde primero el titulo ó testimonio original para que de el le espedien la copia de que se hace mencion y la esposa de Tipernia era Doña Feliciana Goseascochea, y responde.

A la decima primera: Que su vista esterior presentara una cartula de letra casi ilegible por su antiguedad pues dicho documento á primera vista se conocia ser muy antiguo, y responde.

A la trigesima: Que no sabe mas que pueda ser provecho á una ni otra partes ni que añadir á esta su declaracion. Que lo

dicho es la verdad en cargo de su juramento, que es natural de de San Buena Ventura y vecino de esta cuidad, casado, ejercicio de la pluma, de treinta años de edad se le leyo su declaracion y dijo estar bien y fielmente escrita y firmó conmigo y los de mi asistencia con quienes actuo por la razon de que, doy fé.

Añt. de la Garza. M. Galindo.
Assa. Assa.
Leonardo Espinosa. Cristoval Leal

En la cuidad de Matamoras á los veinte y seis dias del mes de Abril, de dicho año presente en el Jusg^do^ Don Juan Prado uno de los testigos comprendidos en el interrogatorio bajo que se está recibiendo esta informacion le recibi juramento que hizo en la forma dispuesta por derecho bajo cuyo cargo ofrecio decir verdad en lo que supiere y fuere preguntado y siendolo al tenor de las preguntas que le comprenden en dicho interrogatorio contesto.

A la primera: Que conoce á los demandantes y demandado, y responde.

A la segunda: Que es de cuarenta años de edad y vive en esta ciudad y que desde su nacimiento habita cerca de la orilla del Rio Grande, y responde.

Sello Cuarto: Años de mil ochocientos cincuenta y mil
Un Real. ochocientos cincuenta y uno.

A la vigesima quinta: Que el documento que se le pone de manifesto marcado con la letra D. es una orden que el declarante espedio como Alcalde 2° constitucional de esta ciudad, en el año que se menciona y las firmas estampadas á su calce la primera es la que una y ejerce el ediente y la segunda es la que acostumbra el Bacheller Don Pedro Pablo Palaez, Escribano Publico, quien con este caracter actuaba en aquella con el que habla, y responde.

A la trigesima: Que no sabe más que pueda ser de benificio á ninguno de los partes ni tampoco tiene que añadir ni que quitar á su declaracion y responde que lo dicho es la verdad en cargo de su juramento, que es natural de la villa de Reynosa y vecino de esta—

Sello Cuarto: Años de mil ochocientos cincuenta y mil
Un Real. ochocientos cincuenta y uno.

—ciudad. Soltero, Secretario interino del Ilustre Ayuntamiento, y de cuarenta años de edad, se le leyo su declaracion y dijo estar fielmente escrita y firmo con migo y los de mi asistencia con quienes actuo por la razon dicha doy fé.

At. de la Garza. Juan Prado.
Assa. Assa.
Leonardo Espinosa. Cristoval Leal.

En la ciudad de Matamoras á las treinta dias del mes de Abril, de mil ochocientos cincuenta años, presenta en el Jusgado al Señor Don Calisto de la Portilla uno de los testigos comprehendidas en el interrogatorio bajo que se esta practicanda esta informacion le recibi juramento que hizo en la forma dispuesto por derecho bajo cuyo cargo ofrecio decir verdad en loque supiere y fuere preguntado y siendolo al tenor de las preguntas que le corresponden en dicho interrogatorio contestó.

A la primera: Que conoce a los demandantes personalmente, no asi el demandado pues de este individuo ningun conocimiento habiendo, y responde.

A la segunda: Que es de cuarenta y ocho años de edad, que habita en esta ciudad y en su hacienda cituada en las Fincas sobre la margen derecho del Rio Grande, y que ha habitado serca de la orilla de dicho Rio de nacimiento, y respondo.

A la tercera: Que conoce el Agostadero ó Protrero nombrado del Espiritu Santo, situado á la margen izquierda del Rio Grande y le consta que el Pueblo de Brownsville esta plantado sobre dicho terreno, ignorando las leguas que por ambos costadas de dicho frento sean comprehendidas en el referido Potrero, y responde.

A la cuarta: Que no conocio el individuo á que se refiere la pregunta y por consiguiente no supo si el dicho individuo tubo posecion del terreno de que se trata ignorando asi mismo el demas contenido de la pregunta, y responde.

A la quinta: Que ignora el contenido la pregunta, y responde.

A la sesta: que no recuarda los años que han transcurido despues de la muerte Da. Franca. Cavazos, esposa de Dn. Blas Maria de la Garza y que á esta Señora la conocio el declarante viviendo en esta ciudad, sabia que era propietaria de parte del Agostadero del Espiritu Santo en cuyo terreno la conoció un labor cituada a la parte de abajo cerca del punto donde hoy esta cituado Brownsville, y responde.

A la setima: Que no sabe en donde estará cituado el Rancho de que se hace referencia en esta pregunta y sabe q. D. Rafael Garcia Cavazos, tiene una labor del Pueblo de Brownsville para abajo á distancia de un cuarta de legua poco mas ó menos pere que ignore si actualmente sea cultivada per el Sír Garcia Cavazos, y responde.

Sello Cuarto, años de mil ochocientos.
Un Real, cincuenta y mil ochocientos.
cincuenta y uno.

A la octava: Que el Rancho de la Señora Goseascochea y el su hijo Dn. Sabas Cavazos estan situadas un poco mas arriba de la Villa nueva y en el concepto del declarante la estan sobre el terreno del Agostadero del Espiritu. Que no sabe que dichos Señores tengan otros Ranchos que los mencionados y otre que tienen en

el parage de San José ignorando si ultimo sea ocupado por ellos ó por otra persona á quien se lo tengan dado en arpendamento y por ultimo que esta sierto que la Señora Doña Estefana ocupaba su rancho en el mes y ano ó que se refiere la pregunta, y responde.

A la trigessima y ultima: Que lo unico que sabe y pueda ser de provecho a los demandantes es que á estos se les ha reconocido

[No hay papel sellado del que corresponde
en la oficina del ramo.]

como propietarios del Agostadero del Espiritu Santo, no asi al demando pues este no há oido decir el declarante que tenga propiedad en dicho terreno y responde que lo declarado es la verdad á cargo de su juramento que es natural y vecino de esta ciudad casado agricultor y de cuarenta y ocho años de edad: se le leyo su declaracion y dijo estar fielmente escrita y firmo con migo y los de mi asistencia con quienes actuo por la rason, doy fé.

At. de la Garza, Calixto Portilla,

Assa. Assa.
Leonardo Espinosa. Cristoval Leal.

Matamoras, Mayo 3 de 1850.

Habienda pedido verbalmente al Sor Lic. Dn. Guillermo G. Hale que en el Estado que guarden estas diligencias se le devuel van para remitirlas á la Corte requersente, en tal virtud entre ase los originales y bajo sus cubiertas respectivas. Lo mando y ó el Alcalde primero constitucional de esta ciudad Juez de Po. instancia del Departamento del Norte de Tamaulipas actuando con testigos de asistencia por la rason dicha, doy fé.

At. de la Garza,

Assa. Assa.
Leonardo Espinosa. Cristoval Leal.

En el mismo dia mes y año se cumplió con lo dispuesto en el anto anterior y para constancia pongo la presente diligencia que firmo con los de mi asistencia con quienes actuo por la razon espresada, doy fé.

At. de la Garza.

Assa. Assa.
Leonardo Espinosa. Cristoval Leal.

(*On the Envelopes.*)

EV.

NEGOCIO DE D. RAFAEL GARCIA CAVAZOS
contra
SIMON MUSSINA.

A la Corte de Distrito de Tejas uno de los Estados Unidos del Norte America.

Del Jusgado de Va. instancia del Departamento del Nte. de Tmaps. en Matamoras.

June 4, 1850. Rec'd from Wm. G. Hale, Esq., and filed same day.

Opened by consent of counsel Nov. 4, 1850.

JAMES LOVE, *Clerk.*

JAMES LOVE, *Clerk,*
By GEORGE B. JONES, *Deputy.*

Translation.

DISTRICT COURT OF THE UNITED STATES,
District of Texas.

RAFAEL GARCIA CAVAZOS, and others,
vs.
SIMON MUSSINA.

Translation of the proceedings before the Court of the First Justance of the City of Matamoras, in taking the depositions of D. Victoriano Lopez, D. Pio Quinto Inojosa, D. Juan Longoria y Serna, D. Marcos Galindo, D. Calixto Portilla, D. Juan Prado, witnesses on the part of the plaintiffs in the above entitled cause.

(*On the outside cover.*)

Number 2.

Matamoras, April 19, 1850.

Proceedings had in the suit in which D. Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, his wife, and Doña Estefana Goseascochea de Cortina, are prosecuting against Simon Mussina.

Court of the First Justance with assisting witnesses.

To the Judge of the First Justance of the City of Matamoras:

We, William G. Hale, Attorney of the District Court of the United States of America for the District of Texas, and author-

ized by the said Court to present to your Honor the Letters Rogatory, which are herewith enclosed, and Juan Treanor, a resident citizen of this city, and attorney of D. Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, and Doña Estefana Goseascochea de Cortina, very respectfully represent to your Honor, that both justice and the interests of the said parties, demand that the depositions of the witnesses that may be presented for this purpose, should be taken according to the form stated in the aforesaid letters. Wherefore, we pray your Honor to be pleased to comply with the wishes of the said Court, inasmuch as the rights of Mexican citizens are involved in this cause.

Matamoras, April 18, 1850.

WILLIAM G. HALE,
JUAN TREANOR.

Matamoras, April 19, 1850.

This petition having been presented with the Letter Rogatory and interrogatories which accompany it, let whatever the Judge making the application by whom it is issued, be observed, complied with, and executed. In consequence, let the parties applicant be notified to present to the Court the witnesses that are mentioned in the said interrogatories, to the end that they may be examined upon the points addressed to them, and with the formalities of the law, I, the citizen Pedro José de la Garza, First Constitutional Alcalde of this city, and Judge of the First Justance of this Department of the north of Tamaulipas, have so ordered and signed, acting with assisting witnesses on account of the occupation of the Notary Public. I certify.

PEDRO J. DE LA GARZA.

Ass. wit. Ass. wit.
Leonardo Espinosa. Christoval Leal.

On the same day, month, and year, the Lienciate, William G. Hale, and Don Juan Treanor, being present in this Court, I notified them of the foregoing order, and being fully informed of its purport, they offered to execute it as to the part that applied to them, and they signed with me and my assisting witnesses, with with whom I act for the reason aforesaid. I certify.

DE LA GARZA.

JUAN TREANOR. WILLIAM G. HALE.

Ass. wit. Ass. wit.
Leonardo Espinosa. Christoval Leal.

In the city of Matamoras, on the ninth day of April, of the year one thousand eight hundred and fifty, Don Victoriano Lopez, one of the witnesses stated in the interrogatories mentioned in the order at the commencement of these proceedings, being present in the Court, I administered to him the oath, which he took in the

form prescribed by law, upon which he declared that he would state the truth as to what he might know and should be asked; and being interrogated upon the points addressed to him in the said interrogatories, he answered:

To the 1st: That he is very well acquainted with all the plaintiffs, mentioned in this interrogatory, but not with the defendant, Simon Mussina, which individual is altogether unknown to him. And he answers

To the 2d: That he is seventy years of age, and that he is living, at the present time, in this city, of which he is a citizen; that he has been living near the banks of the Rio Grande, within the jurisdiction of this city twenty-one years, during which he has lived on the rancho of Solidad, on the right bank of the said river, something like two years; four on the left side of the same river, on the rancho of Don Sabas Cavazos, and the rest of the time in this said city, and he answers

To the 12th: That he was perfectly well acquainted with Don José Salvador de la Garza, and that deponent knew his principal estate (hacienda), which he had in the Agostadero del Espiritu Santo, under which name the said estate was known; and he answers

To the 21st: That he knows that Doña Estefana Goseascochea lives on the left bank of the Rio Bravo, a little above the new town, and her rancho is situated on the Agostadero del Espiritu Santo; that he also knows that the said lady was living in her said rancho in the month and year mentioned in the interrogatory; and he answers

To the 30th: That he knows nothing for the benefit of nor against the plaintiffs or defendant, and he answers that what he has stated is the truth upon his oath; that he is a native of Camargo and resident of this city, widower, seventy years of age; his deposition was read to him, and he said it was faithfully written, not signing on account of his stating that he knew not how to do so. I, the said Judge, did so with my assisting witnesses, with whom I act for the reason aforesaid. I certify

DE LA GARZA.

Ass. wit.
Leonardo Espinosa.

Ass. wit.
Cristoval Leal.

In the city of Matamoras, on the twenty-second day of the said month and year, Don Pio Quinto Inojosa, one of the witnesses in this suit, being present, I administered to him the oath that he took in the form prescribed by law, upon which he declared that he would state the truth as to what he might know and should be asked, and being interrogated according to the tenor of the questions addressed to him in the interrogatories, under which this testimony is being taken, he answered

To the 1st: That he is personally acquainted with the plain-

tiffs, with the exception of Doña Estefana Goseascochea de Cortina; that he only knows this lady was the wife of the late Don Trinidad Cortina; that deponent does not know the defendant, Simon Mussina; and he answers

To the 2d: That he is fifty years of age; that he lives in the rancho of San Juan, upon the right bank of the river, upon the road going from this city to Burrita; that he has passed all his life residing near the banks of the Rio Grande; since he lived at Reynosa, from his infancy to the year eighteen hundred and ten, and from that date he has lived in the jurisdiction of this city; and he answers

To the 12th: That he was not acquainted with Don José Salvador de la Garza, but he has heard it said that he had his estate (hacienda) in the agostadero on the left bank of the Rio Grande, that it was then known by the name of Rancho of Posole, and now by that of the biejo Rancho, and he answers

To the 13th: That he has already said in his preceding answer that he was not aquainted with Don José Salvador de la Garza, and answers

To the 14th: That although he has said before that he was not acquainted with the said Don José Salvador de la Garza, he has heard it said, that he was respected, and enjoyed the esteem of all the inhabitants of this section of country during his lifetime; that he was rich, and a man of much importance and consideration, and he answers

To the 15th: That he has already said in his answer to the 12th Interrogatory, that he has heard it said, that the ranch of Don José Salvadore was called Posole, and the place where it was situated is now called Rancho Viejo, that he does not know the distance from this Point to Brownsville, and he answers

To the 16th: That he knows nothing about the houses, hacales, corales and cattle pens which Don José Salvador de la Garza had established on the said rancho; but he has heard, that on this ranch the aforementioned Salvador de la Garza, raised and had a great number of cattle of the larger and smaller kinds, and he answers

To the 17th: That he does not know the Potrero or Agostadero del Espiritu Santo, but that he knows, because he has heard it by general reputation, that the said name was given to the Agostadero included within the Arroyo Colorado and this Rio Grande: that he, likewise has heard that the said Agostadero was discovered and settled by the aforesaid Don José de la Garza, and that it was granted to him, and he answers

To the 18th: That in the aforenamed Agostadero del Espiritu Santo, the witness knows that the following ranches were established, that of Santa Rita, San Rafael, and that of Tanque, which were established by the heirs of Don José Salvador de la Garza, that although of those places mentioned at the end of the Inter-

rogatory, he only knows that of Los Indios and Mesquite, he nevertheless knows that the others are to be found within the boundaries of the Agostadera del Espiritu Santo, and he answers

To the 19th: That since the death of Don José Salvador de la Garza, his son, Don Blas Maria de la Garza, was the possessor of the said estate, that since his decease, his wife, Doña Francisca Cavazos, who was his heir, succeeded him in the possession, and moreover, the witness has learned that the said tract has been in the possession of Manuel Prieto and Don Antonio Prieto, Doña Feliciana Goseascochea de Tiperino and the wife of Don Trinidad Cortina, and he answers

To the 20th: That he is not personally acquainted with any of the persons named in this interrogatory; but he certifies that the last one, that is to say, Doña Javiera, was the mother of Doña Feliciana Goseascochea de Tiperino, and of the wife of Don Trinidad Cortina; that he is certain that Don Blas Maria de la Garza had no family, but is ignorant or not whether Doña Margarita de la Garza had any, and he answers

To the 21st: That he knows that the rancho of Doña Estefano Goseascochea is a little above the new town, and situated on the ágostadero of Espiritu Santo, and the witness is certain that the said Señora lived on the said rancho, in the month and year mentioned in the interrogatory, and that Doña Angela Garcia married the first time with Don Ramon Lafon, and he answers

To the 30th: That all that he knows in favor of the plaintiffs is, that the aforesaid place has always been known as their property, which thing is notorious, and finally that he knows nothing favorable to the defendant, and he answers under oath that what he has stated is the truth. That he is a native of the town of Reynosa, and a citizen of that city, married, a farmer, fifty years of age. I read to him his statement, which he said was correctly written, and I signed with my assisting witnesses with whom I act. I certify.

PIO QUINTO INOJOSA.

DE LA GARZA.

Ass. wit., Leonardo Espinosa.

Ass. wit., Cristoval Leal.

In the city of Matamoras, on the twenty-third day of the month of April, of the said year, Don Juan Longoria y Serna, one of the witnesses in this suit, being present in court, I administered to him the oath that he took, in the form prescribed by law, upon which he declared that he would state the truth, as to what he might know, and should be asked, and being interrogated according to the tenor of the questions addressed to him in the interrogatories, annexed to the Letter Rogatory under which this testimony is being taken, he answered

To the 1st: That he is personally acquainted with the plaintiffs

mentioned in this interrogatory; not so with the defendant, since at no time has he been acquainted with him, and he answers:

To the 2d: That he is sixty-four years of age, and lives on his rancho called San Juan de Dios, within the jurisdiction of this city; that since he was about the age of fourteen years he has lived within the jurisdiction of the said city, near the bank of the Rio Grande, and he answers:

To the 12th: That he never knew the individual named in the interrogatory, neither did he know where was his principal hacienda, nor by what name it was known, and he answers:

To the 13th: That he has already stated in his answer to the preceding interrogatory; that he was unacquainted with Don José Salvador de la Garza, and consequently is ignorant of the subject of this interrogatory, and answers:

To the 14th; That as the witness was not acquainted with the person mentioned in this interrogatory, he knows nothing of its contents, and he answers:

To the 15th: That he is also not conversant with the matters mentioned in this interrogatory, and he answers:

To the 15th: That he knows nothing in relation to this one, and he answers:

To the 17th: That he has heard mention made of a Potrero or Agostadero, on the left bank of the Rio Grande, by the name of Espiritu Santo, but the witness is not acquainted with it, neither does he know its extent. He is also ignorant by whom the said tract was discovered, or whom was the first owner, or to whom it was granted, and he answers:

To the 18th: That he does not know the ranchos that were established in the said Agostadero, nor by whom, and that he does not know where were the ranchos or places that were mentioned in this interrogatory, and he answers:

To the 19th: That he knows that Don Blas Maria de la Garza and Doña Javiera de la Garza, children of Don José Salvador de la Garza, had possession, the first, of the rancho of Posole, and the second in Santa Rita; but he does not know that the said ranchos were on the tract of Espiritu Santo; that since the death of the aforesaid persons, Doña Francisca Cavazos, wife of Don Blas de la Garza, continued in possession of the rancho called el Posole, and Doña Estefana Goseascochea and Doña Feliciana of the same name, daughters of Doña Javiera de la Garza, in possession of Santa Rita, and he answers:

To the 20th: That of the three persons to whom this interrogatory refers he was acquainted only with Don Blas Maria de la Garza and Doña Javiera of the same name, and that the first married Doña Francisca Cavazos, from which marriage he does not know that they had issue; and the second, that is to say, Doña Javiera de la Garza, married Don José Goseascochea, and had two

daughters, Doña Estefana and Doña Feliciana Goseascochea. And he answers

To the 21st: That he knows that Doña Estefano Goseascochea has her rancho upon the left bank of the Rio Grande, but that he does not know whether it is situated upon the tract of Espiritu Santo, and is ignorant also whether the said lady was living in her said rancho in the month and year stated in this interrogatory. And he answers

To the 22d: That he does not recollect to have seen the testimonio of title to which the question refers. And he answers

To the 23d: That deponent was present at the survey of lands for Don Rafael Garcia, Don Manuel de la Garza, and Don Ignacio Treviño, in the years mentioned in the interrogatory; but does not know whether the land that was surveyed was that called Espiritu Santo; that he does not know that Don Matias Garcia at that time, as Alcalde, demanded, and that the titles also mentioned were presented to him. And he answers

To the 24th: That he knows nothing about the subject of the interrogatory. And he answers

To the 30th and last: That he knows nothing that can be of benefit to the plaintiff and defendant; and for the same reason cannot state any more than what he has said, and what he has declared in a separate proceeding before the Consul of the United States of North America, in relation to the lands on the left bank of the Rio Grande; and he answers that what he has stated is the truth upon his oath; that he is a native of Camargo, and citizen of this city, married, stock-raiser, sixty-four years of age. His deposition was read to him, and he said it was faithfully written, and signed with me and my assisting witnesses with whom I act, on account of the occupation of the Notary Public. I certify,

J. LONG. Y SERNA.

DE LA GARZA.

Ass't wit. Leonardo Espinosa.

Ass't wit. Christoval Leal.

In the city of Matamoras on the said month and year, Don Marcos Galindo, one of the witnesses mentioned in the interrogatories under which this testimony is being taken, being present in Court, I administered to him the oath, which he took in form prescribed by law, upon which he declared that he would state the truth as to what he might know, and should be asked, and being interrogated according to the tenor of the questions addressed to him in the said set of intertogatories, he answered:

To the 1st: That of the plaintiffs he only knows by intimacy and communication, Don Rafael Garcia Cavazos, but not his wife Doña Josefa Cavazos, since he only knows this lady by sight, and that he is not acquainted with Doña Estefana Goseascochea de

Cortina; that he also knows, by sight, the defendant, Simon Mussina; and he answers,

To the 2d: That he is thirty years of age, and has lived in this city for sixteen years, that being the time that he has dwelt near the bank of the Rio Grande; and he answers,

To the 9th: That he was in fact assisting witness at the time stated in the interrogatory, and for the same reason he knows all the contents to be true, and he answers,

To the 10th: That he knows Don Juan Tijerina was the person who presented to the First Alcalde the title, or original testimonio, in order that he might issue to him the copy mentioned, and the wife of Tijerina was Feliciana Goseascochea; and he answers,

To the 11th: That in its external appearance it appeared a document of almost illegible writing, on account of its antiquity; since the said document upon first sight was perceived to be very old; and he answers,

To the 30th: That he knows no more that can be a benefit to either party, nor that he can add to this, his deposition; that what he has stated is the truth, upon his oath; that he is a native of San Buena Ventura, and citizen of this city, married, a clerk, thirty years of age; his declaration was read over to him, and he said it was well and faithfully written, and signed with me and my assisting witnesses, with whom I act for the reason aforesaid. I certify,

DE LA GARZA.

M. GALINDO.

Ass. wit.
Leonardo Espinosa.

Ass. wit.
Cristoval Leal.

In the City of Matamoras, on the twenty-sixth day of the month of April, and of the said year, Don Juan Prado, one of the witnesses mentioned in the said Interrogatories under which his testimony is being taken, being present in Court, I administered to him the oath which he took in form prescribed by law, upon which he declared that he would state the truth as to what he might know and should be asked, and be interrogated according to the tenor of the questions addressed to him in the said set of interrogatories, he answered to the

1st: That he knows the plaintiffs and defendant, and he answers,

To the 2nd: That he is forty years of age, and lives in this city, and that from his birth he has lived near the bank of the Rio Grande, he answers,

To the 25th: That the document which is exhibited to him marked with the letter D., is an order that deponent issued as Second Constitutional Alcalde of this City in the year mentioned, and the signatures affixed to it are, the first, that which deponent uses and employs, and the second, that which the Bachelor Don Pedro Pablo Palaez uses as Notary Public, who acted in this character in the same with deponent, and he answers,

To the 30th: That he knows no more that can be of benefit to either of the parties, nor has he anything to add or subtract to his deposition, and he answered, that what he has stated is the truth upon his oath, that he is a native of the Town of Reynosa and a citizen of this city, unmarried, secretary ad interim of the Illustrious Ayuntamiento, and forty years of age, his deposition was read to him, and he said it was faithfully written, and signed with me and my assisting witnesses with whom I act for the reason aforesaid, which I certify:

JUAN PRADO.

DE LA GARZA.

Asst. wit. Leonardo Espinosa.

Asst. wit. Cristoval Leal.

In the City of Matamoras, on the thirtieth day of the month of April, of the year one thousand eight hundred and fifty, Don Calisto de la Portilla, one of the witnesses mentioned in the Interrogatories under which this deposition is being taken, being present in Court, I administered to him the oath which he took in the form prescribed by law, upon which he declared that he would state the truth as to what he might know and should be asked, and being interrogated according to the tenor of the questions addressed to him in the said set of Interrogatories, he answered,

To the 1st: That he is personally acquainted with the plaintiffs, but not with the defendant, since he has no knowledge whatever of this individual, and he answers:

To the 2nd: That he is forty-eight years of age; that he lives in this city, and on his estate, situated in *Las Rincas* on the right bank of the Rio Grande, and that he has lived near the banks of the said river since his birth, and he answers:

To the 3d: That he knows the Agostadero or Potrero called Espiritu Santo, situated on the left side of the Rio Grande, and he knows that the town of Brownsville is established on the said tract of land, but does not know the number of leagues on both sides of the said point which are comprised in the said Potrero, and he answers:

To the 4th: That he does not know the individual to whom the interrogatory refers, and consequently does not know whether the said individual had possession of the tract spoken of, and is also ignorant of the rest of the subject of the interrogatory, and he answers:

To the 5th: That he does not know the subject of the interrogatory, and he answers:

To the 6th: That he does not recollect the number of years that have passed since the death of Doña Francisco Cavazos, wife of Don Blas Maria de la Garza, and that deponent was acquainted with this lady, whilst living, in this city, and that he knew that she was the owner of a part of the estate of Espiritu Santo, in

which tract of land he knew she had a field situated below and near the point where Brownsville is now situated, and he answers:

To the 7th: That he does not know where the rancho referred to in this interrogatory is situated, and he knows that Don Rafael Garcia Cavazos had a field below the town of Brownsville, at the distance of a quarter of a league, a little more or less, but he does not know that it is actually cultivated by the said Garcia Cavazos, and he answers:

To the 8th: That the rancho of the Señora Goseascochea and that of her son, Don Sabas Cavazos, are situated a little above the new town, (Villa Nueva,) and, as this deponent thinks, are upon the tract of land of the Agostadero del Espiritu Santo, that he does not know that the said persons have other ranchos than those stated, and another that they have in the place called San José, not knowing whether this last is occupied by them, or by some other person to whom they may have rented it, and finally that he is sure that Doña Estefana was occupying her rancho in the month and year stated in the interrogatory, and he answers:

To the 30th and last: That the only thing he knows, and that can be of benefit to the plaintiffs, is that they have been recognized as owners of the Agostadero del Espiritu Santo, but not so the defendant; since deponent has never heard that this latter person had any ownership in the said tract, and he answers that what he has stated is the truth, upon his oath; that he is a native and resident of this city, married, a farmer, and forty-eight years of age; his declaration was read to him, and he said it was faithfully written, and signed with me and my assisting witnesses, with whom I act for the reason aforesaid. Which I certify.

DE LA GARZA.

CALIXTO PORTILLA.

Ass. wit.
Cristoval Leal.

Ass. wit.
Leonardo Espinosa.

Matamoras, May 3d, 1850.

The licentiate, William G. Hale, having verbally asked that the proceedings in their present state should be returned to him, in order to remit them to the Court making the application in virtue thereof, let them be delivered to him in the original, and under their respective envelopes. I, the first Constitutional Alcalde of this city, Judge of the First Justance of the Department of the north of Tamaulipas, have so ordered and signed, acting with assisting witnesses, for the reason aforesaid. I certify.

DE LA GARZA.

Ass. wit.
Leonardo Espinosa.

Ass. wit.
Cristoval Leal.

On the same day, month, and year what is prescribed in the foregoing order was complied with, and for proof thereof I make

the present statement, which I sign, with my assisting witnesses, with whom I act for the reason above stated. I certify.

DE LA GARZA.

Ass. wit. Leonardo Espinosa.

Ass. wit. Cristoval Leal.

On the outside envelope.

Suit of Don Rafael Garcia Cavazos against Simon Mussina.

To the District Court of Texas, one of the United States of North America.

From the Court of the First Instance of the Department of the North of Tamaulipas, in Matamoras.

I certify that the foregoing is a correct translation of the original, made under the order of the Court.

WILLIAM G. HALE.

DEPOSITION OF FAUSTINO BALBOA.

(On the outside cover.)

Num°. 3.

Matamoras, Abril 3, de 1850.

Diligencias practicadas en el negocio que segun en la Corte del Distrito de Tejas, los Señores Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, su esposa, y Doña Estefana Goseascochea de Cortina, contra Don Simon Mussina.

Jusgado de 1ª. instancia con testigos, de 1ª. asistencia.

Sello Cuarto. Un Real.

Años de mil ochocientos cincuenta, y mil ochocientos cincuenta, y uno.

Matamoras, Abril 23d, de 1850.

Vista la anterior carta Requisitoria presentado per Don Guillermo G. Hale, encargada de presentarlo, y pedir su complimiento obsequiese en un todo segun lo require el Juez per quien ha sido expedida á cuyo fin se examinaran los testigos que el mismo Señor G. Hale presento, al tenor del interrogatorio que ha dicha requisitoria es adjunto. Lo mande, y firme yo el Alcalde 1°. Const°. de esta Ciudad Juez de 1ª. inst°. del Departm°. del Norte de Tamaulipas, con los de mi asistencia, con quienes actuo por ocupacion del Escribano Publico, doy fé.

C. Pedro J. de la Garza.

Assa. Leonardo Espinosa.

Assa. Cristoval Leal.

En la Ciudad de Matamoras á los veinte bres dias del mes de Abril de mil ochocientos cincuenta años presento en el Jusgado

Don Faustino Balboa uno de los testigos que deben ser examinados al tenor de los interrogatorios de que se hace mencion en el auto anterior le recibi juramente que hizo en la forma dispuesta por derecho bajo cuyo cargo ofrecio decir verdad en lo que supiere, y fuere preguntado en consecuencia contesta.

A la primera: Que conoce el Agostadero llamado Potrero del Espiritu Santo, y se halla situado al lado oriental del Rio Grande frente á Matamoras que por tradicion immemorial, y per *vos* general sabe que dicho terreno fué primeramente adjudicada á Don José Salvador de la Garza, quien fué su primitivo peseedor, y responde.

A la segunda: Que conoce el parage llamado San Juan del Retiro en cuya punto oyó decir el declarante desde que tubo uso de razon que planto su Rancho de Don José Salvador de la Garza estabiliciendo en el jacales y corrales; que dicho parage esta situado sobre terreno del Potrero del Espiritu Santo, y sabe el que habla por tradicion y voz general que en el espresado terreno crio el repetido D. José Salvador de la Garza bienes de toda especie y responde.

A la tercera: Que conoce personalmente tanto á las demandantes como á los demandados y sabe que los primeros han tenido derecho o mejor dicho son dueños de terrenos en el Potrera del Espiritu Santo por las razones siguientes Da. Josefa Cavazos, por haverla dejado su há Da. Francisca Cavazos, esposa de D. Blas Maria de la Garza, de heredera de sus bienes segun há oido decir el que habla Da. Estefana Goseascochea como uno de las herederos ó hijas de Da. Javiera—

Sello Cuarto.
Un Real.

Años de mil ochocientos cincuenta y mil ochocientos cincuenta y uno.

—de la Garza y Don Rafael Garcia Cavazos por compra de parte de dicho terreno segun há oido decir, y las segundas, es decir los demandados D. Manuel Prieto y Da. Feliciana Goseascochea esta ultima es dueña de parte de dicho terreno como heredera de la espresada Señora Da. Javiera de la Garza, y el primero que lo es D. Manuel Prieto, era el declarante que tendrá derecho en el terreno referide en virtud de que su padre Don Pedro Prieto sui uno de los poseedores Agostadero de que se trata sin saber el que se habla con que titulo y responde.

A la cuarta: Que sabe por voz general y de notoriedad, que los poseedores del Agostadero ó Potroro del Espiritu Santo despues de la muerte de Don José Salvador de la Garza lo fueron Dn. Blas Maria de la Garza, Da. Javiera del mismo apellido, hijos del ante dicho Don José Salvador de la Garza siendo asi mismo poseedor de dicho terreno Don Pedo Prieto, y responde.

A la quinta: Que los primeros ranchos que conocio el declarante en el Potrero del Espiritu Santo fueron el de Santa Rita

habitado por Da. Javiera de la Garza, el del Posole habitado por Don. Blas Maria de la Garza, el del Tanque por Don Pedro Prieto y el del Ballo por Don Felipe Rogue de la Portilla sin saber con que titulo poseia este ultimo dicho rancho y responde.

A la sesta: Que le consta que las personas mencionadas en la pregunta tercera pretenden ser dueñas del espresado Agostadero del Espiritu Santo cuya pretencion es publica y notoria, y podran dar razon de ella la mayor parte de los vecinos de este ciudad—

Sello Cuarto: Un Real. Años de mil ochocientos cincuenta y mil ochocientos cincuenta y uno.

—de Matamoras y responde.

A la septima y ultima: Que no sabe mas que lo que tiene declarado, que pueda ser de provecho á las demandantes. Y responde que lo dicho es la verdad en cargo de su juramento, que es natural de Cruillas y vecino de esta ciudad, casado, criador, de setenta años de edad. Se le leyo su declaracion y dijo estar bien y fielmente escrita no firmando por espresar, no saber, la hizo yo el Juez con los de mi asistencia con quienes actuo por ocupacion del Escribano Publico doy fé.

Assa. Nr. de la Garza. Assa.
Leonardo Espinosa. Cristoval Leal.

Matamoras, Mayo 3d, de 1850.

Habiendo pedido verbalmente el Señor Secretario Don Guillermo G. Hale, que en el Estado que guarden estas diligencias se le devuelvan para remitarlas á la corte requirente, en tal virtud entre guensele originales, y bajo sus cubiertas respectivas.

So mande y firmo, Yo alcalde primero constitucional de esta ciudad, Juez de 1a. instancia del Departemento del Norte de Tamaulipas, actuando con testigos de asistencia por la razon dicha doy fé.

M. de la Garza.

Assa. Assa.
Leonardo Espinosa. Cristoval Leal.

En el mismo dia, mes y año se cumplio con lo dispuesto en el auto anterior y para constancia porque la presente diligencia que firmo con los de mi asistencia con quienes actuo por la razon dicha doy fé.

De la Garza.

Assa. Assa.
Leonardo Espinosa. Cristoval Leal.

Sello Cuarto: Un Real. Años de mil ochocientos cincuenta y mil ochocientos cincuenta y uno.

(On the envelope.)

F. U.

Negocio de Don Rafael Garcia Cavazos,
Contra —— Don Simon Mussina.

A la Corte de Distrito de Tejas, uno de los Estadados Unidos del Norte America.

Del Jusg'do de 1a. Insta. del Departmento del Norte de Tamaulipas, en Matamoras.

June 4th, 1858.—Rec'd from the hands of Wm. G. Hale, Esq., and filed same day.

JAMES LOVE, Clerk.

Opened by consent of Counsel, Nov. 14th, 1850.

JAMES LOVE, Clerk.
By GEO. B. JONES, Dep.

Translation.

UNITED STATES OF AMERICA,
District of Texas.

RAFAEL GARCIA CAVAZOS, *et al.*,
vs.
SIMON MUSSINA.

Translation of the proceedings, had before the Judge of the First Instance, of the city of Matamoras, in taking the deposition of Don Faustino Balboa, in the letter Rogatory, and interrogatories annexed.

(*On the outside Cover*).

No. 3.

Matamoras, April 23d, 1850.

Proceedings had in the suit which Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos and Doña Estefana Goseascochea de Cortina, are prosecuting in the District Court of Texas, against D. Simon Mussina.

Court of the 1st Justance, with assisting witnesses.

Matamoras, April 23d, 1850.

In view of the foregoing Letter Rogatory, presented by D. William G. Hale, who is commissioned to present it, and ask its fulfilment, let every thing required by the judge by whom it was issued be complied with, for which object let the witnesses presented by the said Hale be examined according to the tenor of the interrogatories annexed to the said letter rogatory. I, the First Constitutional Alcalde of this city, Judge of the first Justance, of the Department of the north of Tamaulipas, have ordered and signed this with assisting witnesses with whom I act on account of the occupation of the Notary Public.

PEDRO J. DE LA GARZA.

Ass. Leonardo Espinosa.

Ass. Cristoval Leal.

In the City of Matamoras, on the twenty-third day of the month of April, one thousand eight hundred and fifty, D. Faustino Balboa, appearing in my court, and being one of the witnesses mentioned

in the foregoing order, I administered to him the oath in the form prescribed by law, under which he declared that he would state the truth as to all he might know know and should be asked, in consequence he answered.

To the 1st Interrogatory: That he knew the estate (Agostadero) called the "Potrero del Espiritu Santo," and that it is situated on the eastern bank of the Rio Grande, opposite to Matamoras, that by immemorial tradition and general reputation, he knows that the said tract of land was first granted to D. José Salvador de la Garza, who was the first possessor, and he annexed

To the 2nd Interrgatory: That he is acquainted with the place called "San Juan del Retiro," in which point deponent, since he had the use of reason, has heard it said that D. José Salvador de la Garza placed his Rancho, establishing those houses (jacales), and cattle pens, (herales); and that the said place is situated on tract of the Espiritu Santo; that deponent knows by general reputation and tradition, that in the aforesaid tract of land, the said Don José Salvador de la Garza raised stock of every kind, and he answers,

To the 3d Interrogatory: That he is acquainted with the plaintiffs and defendant. That the first have title, or, to express himself better, are owners of land in the Potrero del Espiritu Santo, for the following reasons. Doña Josefa Cavazos on account of her aunt Doña Francisca Cavazos, wife of D. Blas Maria de la Garza, having left it to her, as heir of the property as deponent has heard. Doña Estefana Goseascochea, as one of the heirs and children of Doña Javiera de la Garza; and Don Rafael Garcia Cavasos, by purchase of part of the said lands as he has heard. And the second, that is to say, the defandants D. Manuel Prieto and Doña Feliciania Goseascochea—this last is owner of part of the said tract of land, as heir of the said Doña Javiera de la Garza, and the first, that is, D. Manuel Prieto, the deponent believes, must have a title in the said land in consequence of his father's having been one of the predecessors of the estate (Agostadero,) spoken of, but deponent does not know by what title, and he answers,

To the 4th Interrogatory: That he knows, by general reputation and notoriety, that the possessors of said estate, or "Potrero del Espiritu Santo," after the death of D. José Salvador de la Garza, were D. Blas Maria de la Garza, Doña Javiera of the same sirname, and D. Pedro Prieto being also a possessor of the said land; and he answers,

To the 5th Interrogatory: That the first ranchos, which deponent knew in the "Potrero del Espiritu Santo," were those of "Santa Rosalia," inhabited by Doña Javiera de la Garza; of Posole, inhabited by D. Blas Maria de la Garza; of El Tanque, by D. Pedro Prieto, and that of "Ballo," by Don Felipe Roque de la Portilla; but deponent does not know by what title this last person occupied the said rancho; and he answers,

To the 6th Interrogatory: That he is certain that the persons

mentioned in the 3d interrogatory claimed to be owners of the said estate (Agostadero) of the Espiritu Santo, and this claim is public and notorious, and the greater part of the inhabitants of this city of Matamoras can bear witness to it; and he answers,

To the 7th and last Interrogatory: That he knows nothing more than what he has declared, which can be of service to the plaintiffs or defendant; and he answers that what he has said is the truth upon his oath; that he is a native of Cruillás, and resident of this city, married, a stock raiser, and seventy years of age; his declaration was then read over to him, and he said it was well and faithfully written, and not signing because he said he did not know how to write. I, the Judge, with my assisting witnesses, with whom I act, on account of the occupation of the Notary Public, have done so for him. I certify.

DE LA GARZA.

Ass. Ass.
Leonardo Espinosa. Cristoval Leal.

Matamoras, May 3, 1850.

The Licenciate D. Guillermo G. Hale, having asked that the proceedings, in their present state, may be returned to him in order that he may remit them to the Court, which has requested their execution, let them, therefore, be delivered to him in the original and in their respective envelopes. I, the First Constitutional Alcalde and Judge of the First Justance of the Department of the North of Tamaulipas, acting with my assisting witnesses, for the reason aforesaid, have thus ordered and signed. I certify.

DE LA GARZA.

Ass. Ass.
Leonardo Espinosa. Cristoval Leal.

On the same day, month and year, the directions of the preceding order were complied with, as evidence whereof I make the present certificate, which I sign with my assisting witnesses, with whom I act, for the reason aforesaid. I certify.

DE LA GARZA.

Ass. wit. Ass. wit.
Leonardo Espinosa. Cristoval Leal.

On the Envelope.

SUIT OF DE RAFAEL GARCIA CAVAZOS,
Against D. SIMON MUSSINA.

To the District Court of Texas, one of the United States of North America.

From the Court of the 1st Instance
of the Department of the North
of Tamaulipas, in Metamoras.

The foregoing is a correct translation of the original on file in this cause, made in accordance with an order of the Court.

WILLIAM G. HALE.

Deposition of Santiago Dominguez.

Sór Juez de a. insta.

Guillernio G. Hale, Licenciado de la Corte de Distrito de los Estados Unidos de America, para el Distrito de Texas y Juan Treanor, vecino de Matamoras, apaderado de D. Rafael Garcia Cavazos y de su esposa Da. Maria Josefa Cavazos cuyo pador presento y pido que se le divuelve, repetuasamente manifestan á V.S. que la dicha Corte ha espedido la carta requisitoria que el dicho Liedo. tiene el honor de presentar, con el fin que la justicia puede ser enteramente administrada entre las partes nombrados en la dicha carta. Por tanto.

A V.S. suplican el dicho Liedo. por parte de la corte que representa y Juan Treanor per la parte de sus representados, cuyos intereses estan envueltos en la causa mencionada en esta carta se sirva mandar que todo lo necesario en este presente caso sea despachado para cumplir con los deseas de la dicha corte, y al mismo tiempo se sirva admitir este ceurso en papel comun no habiendo papel sellado del sello correspondiente en este lugar protestando reponerlo cuando la haya.

Camargo Noviembre viente y siete de mil ochocientos cueranta y nueve.

GUILLERMO G. HALE,
JUAN TREANOR.

Camargo, Noviembre 27 de 1849.

Por presentado y admito con los documentos que se espresan en cuanto ha lugar en derecho citese al C. Santiago Dominguez Regidor decano del Ayuntamiente de esta Villa y declarese al tenor del interrogatorio á que se alude y concluido debuelbase esta diligencia original á las partes como la poden el C. José Maria G. Villareal Alcalde Constitutional y Juez de a. instancia de esta Villa de Camargo y su jurisdiccion. por este auto asi lo provee mando y firmo actuando con testigos de assa. por falta de Escribano Publico, Doy fé.

J. Maria G. Villareal,

de assa.
Cristoval Morales.

de assa.
Luis Garcia.

En segunda y por la cita hecha en el auto que antecede ante mi el referido Juez y en este mi jusgado compareció el C. Santiago Dominguez y en su persona que doy fe ceriesco le recibe juramento en firma bajo del cual prometió decir verdad de cuanto supiera y la fuerá preguntado y siendalo conforme á la ley sobre sus generales. Dijo Llamarse como queda dicha de estado casado ofició commisiante de edad de treinta años de esta vecindad y C. A. R. y responde.

Preguntado al tenor del interrogaterio presentado por las

partes en virtud de la requisitoria del Juez de la Corte de Distrito de los EE. VV. de America para el Distrito de Texas rotulado Don Rafael Garcia Cavazos y otros contra Don Simon Mussina.

Dijo sobre la 1*a. pregunta:* Que conoce algunos de los demandantes de vista y al demandado no lo conoce. *Sobre la* 2*a.* Que ignora su contenido. *Sobre la* 3*a.* Que nada sabe. *Sobre la* 4*a.* Que há visto papel que se le há mostrado con la marca E. y que ignora tambien su contenido. *Sobre la* 5*a.* Que conoce la letra y firma de los Sñs. D. Manuel de la Viña, D. Rafael Pariente menos la de D. Antonio Leal de Leon, y que segun su hal saber entender son las mismas que estan al fin del papel escrito antes citado y que no sabe que el dicho papel ó escrito será una copia fiel y legalmente translada del Testimento originai. *Sobre la* 6*a.* Que há visto el papel escrito marcado F. que se le ha manifestado el cual es copia fiel testamento final de Da. Maria Gertrudis de la Garza Falcon y que la letra y firma que autorizo dicho Testimonio con dos testigos de asistencia suya es de su propio puño. *Sobre la* 7*a.* Que conoce la letra y firma de D. Cristoral Morales y de D. Trinidad Aldrete quienes en presencia del que declará escribieron sus nombres y pusieron su firma al fin de otro papel escrito como testigos de asistencia. *Sobre la* 8*a. y ultima:* Que nada otra cosa sabe sobre el presente negocio que pueda ser de provecho á ninguna de ambas partes y responde Pregdo

Si tiene que añadir ó quitar á lo que há declarado Dijo. Que no que lo que ha dicho es la verdad en fuerza del juramto. que ha prestado y leida que le fué estar bien y fielmte. escrita en lo que se afirma y ratifica firmando conmigo otro Juez y los demi assa en falta de Escribano Publico doy fé.

J. Maria G. Villareal,

de assa. Cristoval Morales.

de assa. Luis Garcia.

A continuacion, y no tomandose mas declaraciones por la precision que han manifestado las partes se les entregan estas diligencias serradas y selladas para que las presentien á la corte de su origen y para constantia lo anoto y rubrico.

(A Rubric.)

Translation.

DISTRICT COURT OF THE UNITED STATES, *District of Texas.*

RAFAEL GARCIA CAVAZOS, *et al.*, *vs.* SIMON MUSSINA.

Translation of the proceedings before the Judge of the First Instance, of the town of Camargo, in taking the deposition of D.

Santiago Dominquez, on the annexed Letter Rogatory, and interrogatories.

To the Judge of the First Instance:

William G. Hale, attorney at law of the District Court of the United States of America, for the District of Texas, and Juan Treanor, resident of the city of Matamoras, and attorney in fact of Don Rafael Garcia Cavazos, and his wife Doña Maria Josefa Cavazos, (whose power of attorney he presents and asks to be returned to him), respectfully represent to your Honor, that the said Court has issued the Letter Rogatory, which the said attorney at law has the honor to present, to the end that justice may be perfectly administered between the parties named in the said letter. Therefore, the said attorney on the part of the said Court which he represents, and the said Juan Treanor, on the part of his principals, whose interests are involved in the cause mentioned in the said Letter, pray your Honor to be pleased to order whatever is necessary in the present case to be done, in order to comply with the desire of the said Court, and that at the same time you will be pleased to admit this application, upon common paper, there being no sealed paper of the corresponding seal in this place, promising to replace it when any can be had. Camargo, November twenty-seventh, eighteen hundred and forty-nine.

JUAN TREANOR,
WM. G. HALE.

Camargo, Nov. 27th, 1849.

The aforesaid documents having been presented and admitted so far as the law allows, let citizen Santiago Domingues, First Regidor of this town, be cited, to testify according to the tenor of the interrogatories referred to, and when his deposition is concluded let these original proceedings be returned to the parties as they ask. The citizen José Maria G. Villareal, Constitutional Alcalde and Judge of the First Instance of the town of Camargo and its jurisdiction, has thus by this act provided, ordered, and signed, attesting it with assisting witnesses for want of a notary public. I certify.

J. MARIA G. VILLAREAL.

Ass. wit.
Christoval Morales.

Ass. wit.
Louis Garcia.

Thereafter and in consequence of the citation made in the preceding act, before me the aforesaid Judge, and in this my Court, appeared the citizen Santiago Dominguez, and in his proper person, which I certify I know, I administered to him in due form of law the oath, by which he promised to speak the truth as to what he might know and should be asked; and being examined agreeably to law as to the legal requisites, he said, that his name is the

same above stated, that he is married, a merchant by profession, about thirty years of age, residing in this neighborhood.

Being examined according to the tenor of the interrogatories presented by the parties by virtue of the Letter Rogatory from the Judge of the District Court of the United States for the District of Texas, entitled D. Rafael Garcia Cavazos and others *vs.* D. Simon Mussina, he says, as to the first interrogatory: That he is acquainted with some of the plaintiffs by sight, and is not acquainted with the defendant. As to the second: That he is ignorant of its subject. As to the third: That as to the third he knows nothing. As to the fourth: That he has examined the paper shown to him, marked E., and that he is likewise ignorant of its contents. As to the fifth: That he knows the handwriting and signature of Don Manuel de la Viña and D. Manuel Pariente, but not that of D. Antonio Leal de Leon, and that according to his true knowledge and understanding, the handwriting and signatures are the same as are at the end of the paper writing aforesaid; and that he does not know whether the said paper writing is a copy faithfully and legally taken from the original will. As to the sixth: That he has examined the paper writing marked F. which has been exhibited to him, which is a faithful copy of the will of the deceased Doña Maria Gertrudis de la Garza Falcon; and that the handwriting and signature which authorizes the said copy, with two assisting witnesses, is his own, and made with his own hand. As to the seventh: That he knows the handwriting and signature of D. Cristoval Morales and D. Trinidad Aldrete, who in presence of deponent wrote their names and placed their signatures at the end of the said paper writing, as attesting witnesses. As to the eighth and last: That he knows nothing else as to the present matter that can be a benefit or service to either of the parties. And being asked if he had any thing to add or take from what he had declared, he said, No: what he had said is truth, upon the oath that he had taken; and this his deposition having been read to him, he said it is well and faithfully written, and he affirms and ratifies it, signing together with me, the said Judge, and my assisting witnesses, in the absence of a notary public. I certify,

J. MANUEL G. VILLAREAL.

SANTIAGO DOMINGUEZ.

Ass. wit.
Cristoval Morales.

Ass. wit.
Luis Garcia.

And no more depositions being taken in accordance with the notice which the parties have given, these proceedings are delivered to them closed and sealed up, in order that they may present them to the Court in which they began, as evidence whereof I make this note and my rubric.

(A Rubric.)

The foregoing is a correct translation of the original on file in this cause, made in accordance with an order of the Court.

WILLIAM G. HALE.

Bill of Exceptions, (Continued.)

Be it also further remembered that the plaintiffs then offered in evidence a copy of the will of Maria Gertrudis de la Garza Falcon, with the translation; deposition, with the translation, of José Maria Rodriguez; copies of the registers of marriages and burials annexed to the deposition of Garza Rodriguez; copy of the will of Blas Maria de la Garza, (two copies,) with translations; paper marked D., (copy of decree of D. Juan Prado,) with translation; deposition, with translation on file of Joaquin Argüelles; copy of will of Maria Francisca Cavazos, with the translation; Act of partition between Maria Ignacia Cavazos and Maria Josefa Cavazos, with the translations; deposition, with translation on file, of Juan Nepomuceno Molano, and copy of testimonio of title and translation, as follows.

To all of which the defendant objected, because none of the said documents were marked filed in the cause, and for the special objections in writing attached to each of said documents, which objections insert in their order. All of which objections the Court overruled, and allowed the evidence to go to the jury, and it was in fact read on the part of the plaintiffs to the jury, and to this ruling of Court the defendant excepted.

Testament of Da. Maria Gertrudis de la Garza Falcon.

The following document or copy of will was offered in evidence by complainants, at the hearing, and objected to by defendant as incompetent evidence. The following were assigned as special objections to the same: That the validity of the original will, and that it took effect as the will of the testator by the laws of Mexico, are not shown by complainants. That the execution of said will is not proved sufficiently. That this copy offered in evidence is not sufficiently proved to be admitted in evidence; nor is it *sufficient proof any valid*, original will. That it is not sufficiently identified as the one proved by the witnesses before the authority taking the depositions in Mexico. That it was not attached to, nor sufficiently identified with, the original interrogatories. All which objections were overruled by the Court, and the said document or copy was read in evidence by complainants.

JAMES LOVE, *Clerk.*

F.

Testimonio á la letra del Testamento otorgado por Da. Maria Gertrudis de la Garza Falcon, en 16 de Agosto de 1789. D'ho, Testimonio le mandó sacar á pedimento verbal de D. Juan Treanor,

apoderado general de varios de los herederos de la otorgante en la villa de Camargo, á 5 de Mayo de 1849.

Juez de 1o. Inst'a, D. Santiago Dominguez, con testigo de Assa.

Sello Tercero. Años de mil ochocientos,
Cuatro Reales. cuarenta y ocho y mil.
Ochocientos cuarenta y nueve.

Correjido. En el nombre de Dios todo poderoso, y de la Señora Virgen Maria concebida sin mancha sui sombra de pecado original en el primer instante de su ser purissima, Amen. Se pase y notorio sea como yo, Da. Maria Gertrudis de la Garza Falcon, natural de la villa de San Gregorio de Zerralvo, y vecina pobladora de esta villa de S'ra Santa Anna Camargo en la Colonia del Nuevo Santander Hallandome como me hallo gravente. Enferma por asidente que Dios, N'ro, Señor se ha dignado embiarme; pero en todo mi entero juicio, memoria entendimiento y voluntad natural, creyendo como firme y verdaderamente en el Misterio de la S'sma Trinidad, Padre hijo y Espiritu Santo, tres personas disintas, y un solo Dios serdero. Tambien creo en el misterio de la Encarnaxion del Divino Verbo todo aquello que tiene, cree y confiesa Nuestra Santa Madre Iglesia, Catholica, Apostolica, Romana, en cuya fé y creéncia he vivido y protesto vivir y morir como Catholica Christiana, redimida con el priecio infinito de la Sangre, de N'ro Señor Jesuchristo, y temiendome de la muerte que es natural y deseando salbar mi alma elijo por Patronos Abogados, y defendores en el tribunal de Dios, donde tengo de verme, para dar cuenta de mi vida, á la Santissima Virgen Maria Madre de Dios á su Castissimo Esposo Señor San Josef, Santos de mi devocion, Señor San Miguel, y el Santo Angel de mi guarda, para que sacando mi alma de este mundo la llevar á seguro punto de mi salvacion donde espero yntercederá por ella y por que es mi deseo y qniero salvar mi alma, hago mi hultima disposicion y testamento quanto mas pueda y deba haber en la forma siguiente. Primeramente, mando y encomiendo mi alma á Dios N'ro Señor que la crio y redemio con el innefable precio de su S'sma sangre, y pido y suplico á su Divina Magestad la lleve consigo a su gloria para donde fue criada, y el cuerpo mandó á la tierra de que fue formada. 2. Yt.—Mando, y es mi voluntad que cuando Dios N'o Señor sea servido de sacarme de esta vida pa—

Sello Cuarto. Años de mil ochocientos
Un Real. cuarenta y ocho y mil.
Ochocientos cuarenta y nuevo.

ra la eterna mi cuerpo sea sepultado en la Capilla de Nuestra Señora de Guadalupe amortajado con el Abito de N'ro Padre San Francisco y con la mayor desencia que el lugar permita. 3. Yt.—Declaro que fui casada y velada segun orden de N'tra Santa

Madre Iglesia con D. José Salvador de la Garza ya difunto de cuyo matrimonio tubimos, y procreamos tres hijos, llamados Da. Francisca Xaviera de la Garza, D. Blas Maria de la Garza, y Da. Maria Margarita de la Garza, ya difunta declarado asi para que conste. 4. Yt.—Declaro que habiendo casado la espresada mi hija Doña Margarita de la Garza, segun Frn. de N'tra Santa Madre Iglesia, con D. Pedro Lopez Prieto, por su muerte quedaron dos miños llamados Don Josef Antonio Margil, y D. Josef Manuel Prieto, declarolo asi para que conste. 5. Yt.—Declaro por bienes mios, una Estancia en jurisdiccion de la villa de Reynosa, llamada Espiritu Santo que se compone de bienes cavallares, y Ganados Bacunos, con un Agostadero de cincuenta y nueve citios once y media caballerias de tierra, cuyos titulos paran en la casa de mi Morada. Declarolo asi para que conste. 6. Yt.—Declarolo por dichos mis bienes la citada casa de mi morada con todo el aguar de ella, declarolo asi para que conste. 7. Yt.—Declarolo que por fallecimiento de dicho mi esposo, quien murio intestado se hiso inventario juridico de todos los bienes que por su fin quedaron y habiendose segragado de ellos mi y gananciales, a satisfacion de mi herederos entre estos se partieron por Ignales partes lo que los corespondio de la parte paterna declarolo asi para que conste. 8. Yt.—Declaro por bienes mios un Agostadero nombrado sombreretillo cita en la villa de Zerralvo el que se halla en arrendamientos de viente y dos pesos anuales en las personas de D. Josef Luiz y D. Thomas de la Garza, de dicha vecindad declarolo asi para que conste. 9. Declaro por bienes mios dos porciones de tierra en los terminos de esta villa por de aquel lado del Ryo Grande, que se compone de dos sitios de ganado menor, y ses cavallerias de tierra declarolo asi para que conste. 10. Yt.—Declaro que los bienes de campo declarados en la clauzula quinta de este mi Testamento que se hallan en el mencionado agostadero de Espiritu Santo se entienda en aquellos que construo, bajo del fierro del margen, y señal de una oreja mocha del lado del cabalgar, y en lo contrario una marca por delante, y assi mismo los que consten por razon de menstremo orejano, asi dentro, como fuera de dicho agostadero, declarolo asi para que conste. 11. Yt.—Declaro por dichos mis bienes todas las deudas que consten bajo los libros y quadermos de comercio que siguio el referido mi esposo y constan de inventario que se mi aplicaron; declarolo asi para que conste. 12. Yt.—Declaro y en los nominados inventarios que se hicieron por fallecimiento del indicado mi esposo, se mi aplicaron los bienes correspondientes à el pago de varias de deudas a que quedaron afectos los de dicho mi esposo, los que mando se segreguen, para dicho fin declarolo *assi* para que conste. 13. Yt.—Declara que con independencia de las deudas citadas en la clauzula antecedente como pertenecientes a dicho,—

Sello Cuarto. Años de mil ochocientos
Un Real. cuarenta y ocho y mil.

Ochocientos cuarenta y nueve.

Mi esposo, que por tanto constan de los Inventarios citados soy deudora, a D. Josef Antonio Garcia, viceno de Pequeria grande no se que cantidad, que haciendola constar por su libro ó libros su Caja mando se pague por mis Albaceas, declarolo asi para que conste. 14. Yt—Declaro *azzi* soy dendora a Don Nicholas Lamar Mercador viandante en este Villa; á Don Aseniro se los fuentos vecino no scrilla a Dn. Nicholas Galan mescador riandante y a Don Josef Perez Rey su esta recindad, lo que los enbsoaichos hagan constan, *lo que los subsidichos hagan constan* por sus libros de Caja ó instrumentos que a cridenten la dendor los que fecho mando se pagne as dichos mis biedos asi lo declaro para que consto. 15. Yt.—Declaro que deno al Real derecho as Alcabala la cantidad que consto—por un Bale, para su efecto tiene storgado mi hijo D. Blas, quien a obtenido para esto y el manejo de dichos mis bienes poder bastante, decarolo asi para que consto. 16. Yt —Declaro que es mi voluntad.

Sello Cuarto Ano de mil ochocientos.
Un Real, cincuento y ocho y mil.
ochocientos cincuento y nuero.

que cuales quiera otra denda que por el divido natural no tengo presento resultaré se pagada de dichos mis bienes justificada en competente forma declaralo azzi para que conste. 17. Yt.— Mando a mis Albasas segreguen de dichos mis hines la cantidad correspondiente de los mandas ferzozas a razon de dos reales cada una declarolo asi para que conste. 18. Yt—Declaro que es mi voluntad, se la haga una funcion solemne anual, a Señor San Josef en el Diez y uneve de su dia, para lo cual mando á mis Albaceas, que de lo mas bien parado de los recordadas mis bienes, pongan á retidos en persona abonada la cantidad de seis cientos pesos reducidos á cabras ó obejes de Bientre, para que con el pronaneto, que esta en constumbro cobrar de cada ciento de ellas se ejecuto lo dtspuesto declarolo azi para que conste. 19. Yt—Mondo que en la misma cenformida se saquen dos cientos pesos y se pongan de redltos para que con su producta se eligan los mismos que importe este segun la limosna tasada por estas siendo resadas los que si aplicaran á las animas Benditas del Purgatorio asi lo declaro para que conste. 20. Yt—Declaro ser mi voluntad, se la canten a Señora Santa Anna Patrone de esta Villa un Novenario de misas, cuyo monte sacaran asi mismo dichos mis Albaceas de lo mas bien parado de mis bienes para que se efectuo cuando les paresca combinente, Declarole asi para que conste. 21. Yt— Declaro que una cruz y sarcillostde oro con piedras blancas que constan en los Inventarios citados adjundicados a mi Patrimonio y gananciales, las tengos donadas, a mi hijo Da. Taviera como que su valor, con el demas que quida dispuesto no excede del quinto de mis bienes en que pueds delibrar sim agrano de los herederos, declarolo azi para que conste. 22. Yt—Para complir y pagar

este mi testamento y todo lo en el contenido elijo provos y nombro por mis Albeceas Testamentarios fides comisarios y tenedores de bienes, a D. Josef de Goseascochea mi Yerno, á D. Padro Lopez Prieto, y á mi hijo D. Blas Maria de la Garza, á los cuales y a cada uno de por si insolidium, los confiero, el poder y facultad que en derecho se requiera, para que de lo mas bien parado de dichos mis bienes vendan los que bastaren y cumplan y paguen las mandas y legados de este mi testamento sobre que les encargo las conciencias; y lo que obraren balga como si y ò lo otorgase declarolo asi para que conste. 23. Yt.—Cumplido y pagado dicho mi Testamento su el remanente de mis bienes derechos y acciones que me portenecen, instituyo y nombro por mis huniversales Erederos á los relacionados mis hijos Da Maria Xaviera de la Garza, y D. José Antonio Maiguel y Josef Manuel Prieto mis nietos, para que los hagan y Ereden y gualmente con la benedicios de Dios y la mia, y revoco y anulo otros cualesquiera Testamentos y codicilos que antes de este haya hecho por escrito de palabra ó en otra forma para que no valgan ni hagan fé salvo este que ahora otergo, y quiero y valga por mi Testamento, y hultima voluntad por la via y forma, que mejor haya lugar de derecho y suplico que para su firmezá y validacion, interponga su autoridad, y judicial decreto el presente Señor Inez é Yo D. Jose Antonio de la Garza Falcon Capitan y Justicia Mayor de esta Villa de Sra. Santa Anna de Camargo, interpo.

Sello Cuarto, Anos de mil ochocientos.
Un Real, cuarenta y ocho y mil.
ochocientos cuarenta y nueve.

Ochocientos cuarenta y nueve mia y interpengo mi autoridad y judicial deorto oy diez y seis de agosto de mil sete cientos ochenta y nueve en quanto puedo denos y de derecho me es permitido y doy fee que la otorgante esta en entero y cabal juicio memoria entendinto—y voluntad en enyo Testimonio assi lo otorgó y no firmo per no poder lo acceo hizelo yo dicho Juez y los Testigos Instrumentales que lo fueron D. José Perez Rey, D. Josef Lorenzo Treviño, Don Bartolomé Treviño, D. Tomas Gutierres, y Ignacia Villareal vecinos de esta presitada Villa, a mas de los de mi asistencia con quienes anteroro como Inez Receptor á falta de todo Escribano que no le hay en el termino legal de todo doy fee—entre ronglones—las que se aplicaren á las animas del Purgatorio vale—entre renglones—oy diez y seis de Agosto de mil setecientos ochenta y nueva—Ve—Josef Perez Rey, Josef Lorenzo Treviño, Bartolomó Treviño, Tysts, Thomas Gutierrez, Fran'co Ignacio de Villareal, ante my como Inez Receptor, Tysts, Ant'o de la Garza Falcon, De Ass'a Francisco Camarilla, De ass'a Josef Linz, de Olivares.

Es copia a la letra del Testamento que comprende y original se halla en este Archivo a que me refiiro se saco a pedimento verval

de D. Juan Trenor apoderado general de varios herederos de la ortorgante, va en seis hojas utiles la primera y ultima en papel del Sello Tercero y los intermedios del sello cuarto, sus margenes rubrico en los de mi assa yo el C. Santiago Dominguez Regiavo Decano y Inez de 1a. Inst'a de esta villa de Camargo, y actuo con testigos de assa en falta de Escribano Publico a cinco dias de Mayo de mil ochocientos cuarenta y nuevo siendo Testigos instrumentales a a concesion y confrantacion del presente los cindadanos Juan Manuel Ramires, Miguel Aldrete y Maxsimo Valverde de esta vecinda y Doy fé. Santiago Dominguez, De ass'a Cristoval Morales, De assista Trinidad Aldrete.

El Escribano Publico que al calu signo y firmo. Certifico y doy fé; que al Señor Don Santiago Dominguez por quien.

Sello Tercero. Años de mil ochocientos,
Cuatro Reales. cuarenta y ocho y mil.
cuarenta y nueve.

Aparceu atorizado el testimonio que antecede, es Rejidor Decano del Ilustre Ayuntam'to de la Villa de Camargo y Inez de 1a. Inst'a en turno, como se titula en dicho testimonio y la firma en el estampada la misma que usa y acostumbra en todos sus actos publicos. Matamoras, Mayo 15, de 1849.

JOAQUIM ARGUELLES,
Escro pblo.

CONSULATE OF THE U. S. A.
Matamoras, Mexico.

I, Thomas W. Slemons, Consul of the United States of America for the port of Matamoras, do hereby certify that Joaquin Arguelles, who attests the annexed document under his own proper signature, to me the said Consul well known, is now, and was at the time of signing the same, a Notary Public in and for the city and port of Matamoras, and that to all his acts as such, full faith and credit are given in and out of Judicature.

In testimony whereof I hereunto subscribe my name, and affix [SEAL.] the seal of my office, this 16th day of May, 1849.

THOMAS W. SLEMONS.

On the back.

This document was annexed to the deposition of Santiago Dominguez, from Camarga, and was withdrawn by leave of the Court.

JAMES LOVE,
Clerk of the United States District Court,
District of Texas.

DISTRICT COURT OF THE UNITED STATES,
District of Texas.

I, James Love, Clerk of the District Court of the United States

for the Eastern District of Texas, certify that the foregoing fifteen pages contain a true and perfect copy of the document marked F, originally filed in the Chancery case, No. 41, Rafael Garcia Cavazos *et als. v.* Charles Stillman, *et als.* Which original is withdrawn by leave of Court, and this copy and filed in its stead.

In testimony whereof I hereunto set my hand and affix the seal of said Court at Galveston, this twenty-fifth day of August, A. D. 1854.

[SEAL]

JAMES LOVE, *Clerk.*

Translation of the Testament of Doña Maria Gertrudis de la Garza Falcón.

DISTRICT COURT OF THE UNITED STATES, *District of Texas.* } In Chancery.

RAFAEL GARCIA CAVAZOS, and others, *vs.* CHARLES STILLMAN, and others.

RAFAEL GARCIA CAVAZOS, et al., *vs.* SIMON MUSSINA.

Translation of the copy of the testament of Doña Maria Gertrudis de la Garza Falcón, annexed to the deposition from Camargo.

On the Outside Cover.

A literal copy of the testament made by Doña Gertrudis de la Garza Falcón, on the 16th of August, 1789. The said copy was ordered to be made at the verbal application of D. Juan Treanor, the general attorney in fact, of various of the heirs of the grantor, in the town of Camargo, on the fifth day of May, 1849.

Judge of the 1st Instance, D. Santiago Dominguez, with attesting witnesses.

In the name of Omnipotent God, and of the most Holy Virgin Mary, conceived without stain or shadow of original sin, in the first moment of her purest existence, Amen. Be it known and notorious that I, Doña Maria Gertrudis de la Garza Falcón, a native of the town of San Gregorio de Zerralvo, and a citizen and settler of this town of Santa Anna de Camargo, in the colony of New Santander; being, as I am, seriously unwell by reason of an accident with which God, our Lord, has deigned to visit me; but, in my full and perfect natural judgment, memory, understanding, and will, believing, as I firmly and truly believe, in the mystery of the most Holy Trinity, Father, Son, and Holy Ghost, three distinct persons, and one only true God; I likewise believe in the mystery of the Incarnation of the divine word, all that our Holy Mother, the Roman Catholic Apostolic Church holds, believes and confesses, in the faith and belief whereof I have lived, and declare

that I live, and die as a Catholic Christian, redeemed by the infinite price of the blood of our Lord Jesus Christ, and fearing death, which is a consequence of our nature, and desiring to save my soul, I select as my patrons, advocates, and defenders in the tribunal of God, where I am to appear, to give an account of my life, the most Holy Virgin Mary, Mother of God, her most chaste husband, St. Joseph, Saints of my devotion, Saint Michael, and my Guardian Angel, that, taking my soul away from this world, they may bear it to the safe harbor of my salvation, where I hope they will intercede for it, and because it is my desire, and I wish to save my soul, I make my last disposition and will, so far as it can, and ought to have effect, in the following form:—First, I commit and commend my soul to God, our Lord, who created it, and redeemed it with the ineffable price of his most holy blood, and I ask and pray this Divine Majesty to take it to himself, in his glory, for which it was created, and my body I commit to the earth, of which it was formed. 2. Item—I order, and it is my will, that when God, our Lord, shall be pleased to take me from this life for that which is eternal, my body should be buried in the chapel of Our Lady of Guadalupe, in the burial clothes prescribed by our Father C. Francis, and with the greatest decency that the place may permit. 3. Item—I declare that I was married by the ritual of our Holy Mother Church to D. José Salvador de Garza, now deceased, by which marriage we had and begat three children, named Doño Francisca Xavier de la Garza, D. Blas Maria de la Garza, and Doña Maria Margarita de la Garza, now deceased: I so declare that it may be known. 4. Item—I declare that my aforesaid daughter, Doña Margarita de la Garza, having married according to the ritual of our Holy Mother Church, D. Pedro Lopez Prieto, two children were left at her death, named D. Josef Antonio Margil, and D. Josef Manuel Prieto: I so declare that it may be known. 5. Item—I declare as my property an estate (Estancia) in the jurisdiction of the town of Reynosa, named Espiritu Santo, composed of a stock of horses and cattle, with a tract of land (Agostadero) of fifty-nine sitios, eleven and a half caballerias of land, the titles to which are in the house where I reside. I so declare that it may appear.

6. Item—I declare as my property, the aforesaid house where I reside, together with all its appurtenances (Agnar): I so declare it that it may be known. 7. Item—I declare that by the death of my said husband, who died intestate, a judicial inventory was made of all the property which was left at his death, and my dotal and ganancial property having been separated from this, to the satisfaction of my heirs, the part belonging to them on the father's side was divided among them in equal shares: I so declare it that it may be known. 8. Item—I declare as my property an estate. named Sombreretillo, situated it the town of Zerralvo, which is under lease at twenty-two dollars per annum to D. Josef.

Ling and D. Thomas de la Garza of the said town: I so declare it that it may be known. 9. Item—I declare as my property two portions of land within the limits of this town, on the other side of the Rio Grande, each composed of two *Sitios de grande menoo*, and six caballerias of land: I so declare it that it may be known. 10. Item—I declare that the stock, mentioned in the fifth clause of this my will, which are in the aforementioned estate (Agostadero) of Espiritu Santo, mean those which are found with the hand in the margin, and the mark of one ear clipt on the side. And in the other a small bit cut out of the front side, and also those found there or strayed wild, as well within as without the said estate: I so declare it that it may be known. 11. Item—I declare as my effects all the debts appearing on the books and registers of the mercantile concerns which my said husband conducted; and which appear by the inventory to have been assigned to me: I so declare it that it may be known. 12. Item—I declare that in the aforesaid inventories which were made on the death of my aforesaid husband, there were assigned to me, some property to be applied to the payment of various debts to which the estate of my said husband was liable, which I order to be set apart for this purpose: I so declare it that it may be known. 13. Item—I declare that independently of the aforesaid debts mentioned in the preceding clause, as belonging to my said husband which likewise appear on the inventories aforesaid, I owe D. Josef Antonio Garcia, a citizen of Pesquesia Grande, I know not what amount, but on his establishing it by his book or books of accounts, I order my executors to pay it: I so declare it that it may be known. 14. Item—I declare that I am indebted to D. Nicholas Lamar, a travelling merchant, now in this town, D. Asenio de las Fuento, a citizen of Rarilla, D. Nicholas Galen, a travelling merchant, and D. Josef Perez Rey, of this town, the amounts that the aforesaid persons may establish by their books of accounts, or instruments of writing, proving the debt, and upon this being done, I order that it should be paid out of my said property: So I declare it that it may be known. 15. Item—I declare that I owe for the Royal duty of Alcabala the amount appearing in a promissory note given for this purpose by my son D. Blas, who has obtained ample power for this object and the management of my property: I so declare it that it may be known. 16. Item—I declare that it is my will that every other debt which through natural forgetfulness I may have overlooked, should be paid upon being established in the proper manner: I so declare it that it may be known. 17. Item—I order my executors to set apart from my said property the amount and for the forced bequests in the proportion of two *reals* for each one: I so declare it that it may be known. 18. Item—I declare that it is my will that a solemn service be celebrated every year in honor of St. Joseph, on the nineteenth of his day, for which pur-

pose I order my executors, that out of that part of my property most easily realized, they put at interest in the hands of some trustworthy person, the sum of six hundred dollars, in goats or ewes, in order that by means of the increase generally obtained from each hundred of them, the direction above given may be complied with: I so declare it that it may appear. 19. Item—I order, that in the same manner two hundred dollars may be taken and put at interest, in order that by means of the income therefrom, the number of masses it will pay for, according to the charges fixed for their being read, which masses shall be devoted to the blessed souls of Purgatory: so I declare that it may be known. 20. Item—I declare that it is my will that there be sung to our Lady, Santa Anna de Carmargo, a novenary of masses, the cost whereof my executors shall take from that part of my property most easily realized, that it may be done when it shall seem to them suitable: I so declare it that it may be known. 21. Item—I declare that I have given a gold cross and earrings milk-white stones, which appear in the inventories aforesaid, as adjudged to my patrimonial and ganancial property, to my daughter Doña Javiera, provided that their value and that of the other bequests do not exceed the fifth of my property, as to which I can exercise my free will without injury to my other heirs: I so declare it that it may be known. 22. Item—And to execute and satisfy this my testament and all contained in it, I select, provide and appoint for my testamentary executors, trustees and managers (tenedores) of my property, D. Pedro Goseaschea, my son-in-law, D. Pedro Lopez Prieto, and my son, D. Blas Maria de la Garza upon whom and each one of them by himself *in solido*, I confer the power and authority required in law, to sell a sufficient amount of that part of my effects most easily realized, and to execute and pay the bequests and legacies of this my will, for which I charge their consciences, and what they may do shall have the same effect as if I should execute it: I so declare it that it may be known.

23. Item.—And my said will having been executed and satisfied as to the rest of my property, rights and actions, appertaining to me, I institute and appoint as my universal heirs my aforementioned children, Doña Maria Javiera de la Garza, D. Blas Maria de la Garza, and D. José Antonio Margil and D. Josefa Manuel Prieto, my grand-children, that they may have and inherit it equally, with the blessing of God and my own, and I revoke and annul all other testaments or codicils which may have been made before this, in writing, verbally or in any other way, that none may have any avail or evidence, except this which I now grant and desire to have effect as my testament and last will, in the way and form the law may best admit; and pray that for its information and validity, the present may interpose his authority and judicial decree, and I, D. Josè Antonio de la Garza Falcon, captain and

chief justice of this town of Santa Anna de Camargo, interposed and do interpose my authority and judicial decree on this the sixteenth day of August one thousand seven hundred and eighty-nine, as far I can, ought or am allowed by law; and I certify that the grantor is in her perfect judgment, memory, understanding and will, in testimony whereof she has just granted these presents and has not signed, not being able to do so, but I, the said judge, have done so, and the instrumental witnesses, who were D. José Perez Rey, D. Josef Lorenzo Treviño, D. Bartolomé Treviño, D. Tomaz Gutierrez and D. Ignacia Villareal, citizens of the aforesaid town, beside my assisting witnesses, with whom I act as examing judge, in the absence of every notary, there being none within the legal distance; all of which I certify—interlined—which shall be devoted to the blessed souls of purgatory—correct—interlined this the 16th day of August one thousand seven hundred and eighty-nine — correct — Josef Perez Rey, Josef Lorenzo Treviño, Jph. Tomas Gutierrez, Francisco Ignacio de Villareal. Before me, as examining judge, Jph. Antonio de la Garza Falcon; assistant, Francisco Camarillo, ass. wit., Josef Ling de Olivares.

The above is a literal copy of the testament which it contains, the original whereof is among these archives (en este archives) to which I refer. It was made upon the application of D. Juan Treanor, the general attorney in fact of the various heirs of the grantor: it is on six legal leaves, the first and last on paper of the third seal, and the intermediate ones on that of the fourth seal. I, the citizen Santiago Dominguez, First Regidos and judge of the first Instance of this town of Camargo, with my assisting witnesses, mark the margin with our rubrics, acting with assisting witnesses, for want of a notary public, on the fifth day of May, one thousand eight hundred and fifty-nine, the citizens, Juan Manuel Ramires, Miguel Aldrete and Maximiano Valverde, of this town, being instrumental witnesses at the correction and comparison of these presents. I certify.

SANTIAGO DOMINGUEZ.

Ass. wit.
Cristoval Morales.

Ass. wit.
Trinidad Aldrete.

I certify that the foregoing is a correct translation of the original, made in order to replace a similar translation, filed in accordance with a previous order of the Court on the 20th day of January, 1851.

WM. G. HALE.

Deposition of José Maria Dominguez.

Sello Cuarto. Años demil ochocientos cuerenta,
Un Real, y ocho y mil ochocientos.
cuerenta y nueve.

Matamoras, Octubre 31st de 1840.

Reciban la declaracion que se requiere en el interrogatorio presentado por el Sór. Lic. Don William G. Hale, segun solicita le esta concedido en auto de esta fecha al fin de las diligencias practicadas relativas al plieto sobre terrenos entre Dn. Rafael Garcia Cavazos, contra, Don Carlos Stielman y otras fecha todo estreguente todo original. Lo mande y firmé con testigos de asistencia por ocupacion del Eescribano Publico doy fé.

Nicolas Grisanti.

Assa. Assa.
Leonardo Espinosa. Franca. Argüelles.

En el mismo dia mes y ano notifique el auto anterior al Sór Licenciado Don William G. Hale, y enterado firmó conmigo y los demi asistencia con quienes actuo doy fé.

Grisanti. William G. Hale.
Assa. Assa.
Leonardo Espinosa. Franca. Argüelles.

En la ciudad de Matamoras a los trenita y un dias del mes de Octubre de mil ochocientos cuarenta y nueve años, al Sór Licenciado Don William G. Hale, presentó por testigo al Sór Cura parrocco de Esta Ciudad y su jurisdiccion, Bacheller Don Josó Maria Rodriguez de quien recibi juramento en forma de derecho segun su estado, bajo cuyo cargo afrecio decir verdad en lo que supiere y fueré proguntado y siendalo al tenor de las preguntas contenido en el interrogatorio de que se ha hecho referencia contestó.

A la primera: Que conoce perfectamente a los demandantes y al demandado que se menciona en el interrogatorio.

A la segunda: Que la firma estampada al calce del documento marcado con la letra S. que se le pone de manifesto y corre aggregado en la otra causa sea la misma que usaba y acostumbrada en todos sus actos el Presbitero Don Antonio de la Garza Rodriguez.

A la tercera: Que la firma estampada al calce del documento marcado con la letra F. que se le pone de manifesto y se halla agregado á las otras diligencias la conoce y le consta ser la misma que acostumbraba el Presbitero Don Francisco Recio todos sus acertados y como tal la reconoce.

A la cuarta: Que es cura propietario de la Parroquia de esta

ciudad y su jurisdiccion desde el año de mil ochocientos y como tal se hallan á su cargo los archivos de dicha Parroquia. Que Don Blas Maria de la Garza fallecio el dia quince de mayo de mil ochocientos dos, como consta en la copia fiel de la partida de su entiero que corre agregado en la otra causa subscrita por el declarante.

A la quinta: Que Doña Francisca Janviera de la Garza fallecio el dia veinte de Agosto de mil ochocientos trenita y tres segun consta de la copia fiel de la partida de su entierro que corre agregada a la otra causa subscrita.

Sella Cuarto. Años de mil ochocientos,
Un Real. Cuerenta y ocho y mil.
Ochocientos cuerenta y nueve.

por el declarante.

A la sesta: Que Doña Francisca Cavazos murió el dia seis de marzo de mil ochocientos trenita y cinco segun consta de la copia fiel que se halla quexada en la otra causa de la partida de su entierro, subscrito por el declarante.

Septima: Que le consta que Doña Josefa Cavazos es casada con Don Rafael Garcia Cavazos, cuyo matrimonio se le libró, segun tiene declarado, en la otra causa, en la Villa de Reynosa, y que por tal razon en el archivo del curato de aquella villa, debe encontrarse la partida de su casamiento.

A la octava y ultima: Que cuanto sabe y puede decir en favor de los demandantes es que han sido dueños de setenta y tantos sitios de terreno de Agostadero en la margen izquierda del Bravo y que siempre se les ha reconocido como propietarios de dichos terrenos y responde que lo declarado es la verdad en cargo de su juramento y en ella se afirmó y ratificó firmando conmigo y los de mi asistencia con quienes actuo doy fé.

Ml. Grisanti. Br. José Ma. Rodgz.
Assa. Assa.
Leonardo Espinosa. Franca. Argüelles.

En la misma fecha se entrego originales de estas diligencias al Sór Licenciado Don William G. Hale, bajo cubierta serrada segun esta mandado y para constancia pongo la presente que firmo con los de mi asistencia doy fé.

Me. Grisanti.
Assa. Assa.
Leonardo Espinosa. Franca. Argüelles.

Translation.

DISTRICT COURT OF THE UNITED STATES, *District of Texas.*

RAFAEL GARCIA CAVAZOS, *et al.* *vs.* SAMUEL MUSSINA.

Translation of the proceedings in taking the deposition of D. José Maria Rodriguez, before the Judge of the first Instance, o the city of Matamoras.

MATAMORAS, October 31, 1849.

Let the deposition required in the interrogatories presented by William G. Hale be taken as he desires, and as it has been granted to him under the order of this date, at the close of the proceedings had in relation to the suit for lands between Don Rafael Garcia Cavazos, and D. Carlos Stillman and others, and when all is concluded, let it be delivered to him in the original. I have thus ordered, and signed with assisting witnesses, on account of the occupation of the Notary Public.

NICOLAS GRISSANTI.

Ass. wit. Leonardo Espinosa. Ass. wit. Francisco Argüelles.

On the same day, month and year, I notified William G. Hale, of the foregoing order, and having heard it, he has signed with me and my assisting witnesses, with whom I act. I certify.

GRISSANTI.

WILLIAM G. HALE.

Ass. wit. Leonardo Espinosa. Ass. wit. Francisco Argüelles.

In the city of Matamoras, on the thirty-first day of the month of October, one thousand eight hundred and forty-nine, the Licentiate, D. William G. Hale, presented as a witness the Parochial Curate of this city and its jurisdiction, the Bachelor Don José Maria Rodriguez, whose oath I took in due form of law according to his rank, upon which he declared he would state the truth as to what he might know and should be asked, and being interrogated according to the tenor of the interrogatories contained in the set referred to, he answered:

To the 1st: That he is very well acquainted with the plaintiffs and defendant mentioned in the interrogatories.

To the 2nd: That the signature placed at the foot of the document marked with the letter S., which is exhibited to him and attached in the other cause, he knows it to be the same which the priest, D. Antonio de la Garza used, and is accustomed to use in all his certificates.

To the 3rd: That he knows the signature placed at the close of the document marked with the letter T., which is exhibited to him, and annexed to the other proceedings, and knows it to be the same as the priest, Don Francisco Recio, was accustomed to use in all his certificates, and as such he recognizes it.

To the 4th: That he is the principal proper curate (cura proprietario,) of the parish of this city and its jurisdiction, and has been so from the year eighteen hundred, and as such he has under his charge the archives of the said parish. That D. Blas Maria de la Garza died on the fifteenth day of May, eighteen hundred and two, as appears from the faithful copy of the entry, (partida,) of his burial, which is annexed in the other cause subscribed by deponent.

To the 5th: That Doña Francisco Xaviera de la Garza died on the twentieth day of August, one thousand eight hundred and thirty-three, as appears by the faithful copy of the entry of his burial, which is annexed in the other cause subscribed by the deponent.

To the 6th: That Doña Francisco Cavazos died on the sixth day of March, one thousand eight hundred and thirty-five, as appears by the faithful copy annexed in the other cause of the entry of her burial, subscribed by the deponent.

To the 7th: That he knows that Doña Josefa Cavazos was married to Don Rafael Garcia Cavazos, which marriage was celebrated, as he has declared in the other cause, in the town of Reynosa, and that on their account, the archives of the curate of that town must contain the entry of her marriage.

To the 8th and last: That what he knows and can state in favor of the plaintiffs, is that they have been owners of sixty sitios and more of land, (Agostadero,) on the left bank of the Bravo, and that he has always recognized them as owners of said lands, and he answers, that what he has declared is the truth, upon his oath, and confirmed and ratified it, signing with me and my assisting witnesses, with whom I act. I certify.

GRISSANTI.

Br. Jose Ma. Rodg'z.

Ass. wit. Ass. wit.
Leonardo Espinosa. Fran'co. Argüelles.

On the same date these proceedings were delivered in the original to the Licentiate, William G. Hale, sealed up as has been ordered, and as proof thereof, I give the present certificate which I sign with my assisting witnesses. I certify.

GRISSANTI.

Ass. wit. Ass. wit.
Leonardo Espinosa. Fran'co. Argüelles.

(*On the envelope.*)

To the District Court of the United States of America, for the District of Texas.

Contains a letter rogatory as to the suit about lands between Don Rafael Garcia Cavazos and others, against D. Simon Mussina, executed, (diligenciada,) by the second Court of the first Justance of Matamoras.

The foregoing is a correct translation of the original on file in the above entitled cause made by me under the order of the Court.

WILLIAM G. HALE.

(*On the original envelope.*)

N. M.

A la Corte de Distrito de los Estados de America para el Distrito de Texas, contieue una carta Requisitoria sobre el pleito de terrenos entre Dn. Rafael Garcia Cavazos y otras contra Don Simon Mussina, diligenciada por el Jusg'do 2a. y de 1a. inst'a de Matamoras.

June 4th, 1850. Rec'd from the hands of Wm. G. Hale, Esq., and filed on same day.

JAS. LOVE, Cl'k.

Opened by agreement of counsel, Nov. 14, 1850.

JAS. LOVE, *Clerk.*
By GEORGE B. INNES, *Deputy.*

Document marked S.

(Proved by Rodriguez.)

Sello Cuarto. Un Real. Años de mil ochocientos cuarenta y ocho y mil ochocientos cuarenta y nueve.

Antonio de la Garza Rodrig'z. Cura actual de esta villa de Reynosa y su jurisdiccion.

Certifico en cuanto puedo debo y el derecho me permite que entre los libros de partidas de casamentos de este Archivo Eclo, que es á mi cargo se encnentra uno forrado de badana encarnada y en el una partida del tenor siguiente.

[De la ville Don Blas Maria de la Garzo con Da. Maria Fran'ca Cavazos, Espagñoles.]

En la villa de Nuestra Señora de Guadulupe de Reynosa en veinte y cinco dias del mes de Julio de este presente año de mil setecientos noventa y dos habiendo precedido las diligencias matrimoniales que previene el Sto. Consilio de Trento, Yo. Bs. Pedro Maldo y Zapata con ministro de esta villa en esta Santa Ygle-

sea Parraquial de mi cargo casé y velé en tiempo divido *ni faciae eclesiae* á Don Blas Ma. de la Garza, Español originorio de este villa de Camargo hijo legitimo de legitimo matrimonio de Don J. Salvador de la Garza y Doña Ma. Gertrudis de la Garza Falcon ya difuntos, con Da. Maria Fran'ca Cavazos, Espagñol originario y vecino de esta villa de Reynosa hija legitimo de legitimo matrimonio ya defunta los cuales fueron amonestados en esta Santa Yglesia Parroquia de mic argo en etres dias festivos *inter missarium solemnia*, que la fueron la primera el dia ocho del presente mes de Julio; *Dorn* sexta post pent, y festividad de S'ta Isabel Reyna de Portugal. La segunda el dia Quinse; *Dorn* septima post, Pent. Y la tercera el dia veinte y dos *Dorn* octave post, Pent. y S'ta Maria Magdalene: De las quale plocames no resulto impedimt's alguno ni de las que per exerte se libro á la villa de nuestra Señora Santa Aña de Camargo; Fueron los padrinos Dn. Juan J. Balli y su esposa Da. Maria Ygnacia Treviño, Españoles, y vecinos de esta villa, fueron testigos de la celebracion de matrimonio J. Danuan de la Garza y Tomas Treviño. José Matias Gomez, Notario Publico vecinos de esta villa, sin los demas que asistieron al Sante sacrificio de la Missa y pa. qe. consta lo firme en esta dicha villa dia mes y año *ut supra* F. Pedro Maldo y Zapaté.

Culla partida fiel y legalmente sacada concuerda con su original á que me remito.

Villa de Reynosa, Mayo 2, de 1849.

PRESB'O ANTONIO DE LA GARZA Y RODRIG'Z.

El Presb'o José Ma. Rodg'z, cura, y Juez *Eeco* de esta ciudad y Puerta. Certifico que la anterior firma es del cura á la villa de Reinosa.

Matamoras, Mayo 11, de 1849.

BR. JOSE MA. ROD'Z.

El Escribano Publico que al calce signo y firmo. Certifico y day fé—que la firma que antecede es la que usa y acostumbra el Juez Ecco de esta cuidad Presbitero Don

Sello Cuarto.
Un Real.

Años de mil ochocientos cuerenta y ocho y mil ochocientos cuarenta y nueve.

José Maria Rodriguez en todos sus actos publicas á que debe darse entera fé y credito.

Matamoras, Mayo 15, de 1849.

JOAQUIN ANGUELLES,
Es'no P'co.

CONSULATE OF THE U. S. A.,
Matamoras, Mexico.

I, Thomas W. Slemons, Consul of the United States of America for the port of Matamoras, do hereby certify that Joaquin Angü-

elles, who attests the annexed document under his own proper signature, to me, the said Consul, well known, is now, and was at the time of signing the same, a Notary Public in and for the city and port of Matamoras, and that to all his acts as such full faith and credit are given in and out of judicature.

In testimony whereof I hereunto subscribe my name
[L. S.] and affix the seal of my office this 16th day of May, 1849.

THOMAS W. SLEMONS.

Translation.

I, Antonio de la Garza Rodriguez, now being curate of this town of Reynosa, and its jurisdiction, certify so far as I can, ought, and am allowed by law, that among the registers (libros depurtidas) of marriages belonging to these ecclesiastical archives under my charge, there is one bound in red leather, and in it an entry of the following tenor:

In this town of our Lady of Guadalupe of Reynosa, on the twenty-fifth day of the month of July, of this present year, one thousand seven hundred and ninety-two, the preliminaries of marriage provided by the Holy Council of Trent having preceded, Brother Pedro Maldo y Zapata, as Priest of this town, in this Holy Parroquial church under my charge, at the proper time, marrried (casé y culé), *in faciae ecclesia*, D. Blas Maria de la Garza, a Spaniard, originally of the town of Camargo, the lawful son by lawful marriage of D. J. Salvador de la Garza, and Doña Maria Gertrudis de la Garza Falcon, both now deceased, to Doña Francisca Cavazos, a Spaniard, a native and resident of this town of Reynosa, the lawful daughter by lawful marriage of D. J. Narcéso Cavazos, and Doña Maria Ignacio de Inojosa, the latter now deceased, who had been published in this Holy Parish Church under my charge upon feast days, *inter missarium solemnia*, which occasions were, first: on the eighth day of the present month of July, the sixth Sunday after Penticost, and the feast of St. Isabel, the Queen of Portugal: second: On the fifteenth day, the seventh Sunday after Penticost: and third: On the twenty-second day, the eighth Sunday after Penticost, the feast of St. Mary Magdalen: on which announcements no impediment appeared, nor on these given at my request in the town of our Lady of Santa Ana de Camargo, D. Juan J. Balli and his wife, Doña Maria Ignacia Treviño, Spaniards and residents of this town, were spousers, J. Damain de la Garza y Tomas Trevino, José Matias Gomez, Notary Public, residents of this town, were witnesses to the celebration of the marriage, besides the others who were present at the holy sacrifice of the Mass, and that it may appear, I have signed this in the said city, on the day, month and year, *ut supra*.

BT. PEDRO MAL. DO Y ZAPATA.

Which entry, faithfully and legally copied, agrees with its original, to which I refer.

Town of Reynosa, May 2d, 1849.

Priest, ANTONIO DE LA GARZA Y RODRIGUEZ.

Then follows a certificate from the curate of Matamoras, one from the notary public, and one from the American Consul.

(*Document marked F.*)

(Referred to in the deposition of Rodriguez.)

Sello Cuarto,
Un Real.

Años de mil ochocientos cuarenta y ocho y mil.

Ochocientos cuarenta y nueve.

El Prebo. José Franco. Recio cura propio de la villa de Camargo y jurisdicion.

(Al margen No. 2.)

Certifico en toda forma de dro que en los libros uno forrado en badana encarnada en el cual y á fojas 68 frente consta una partida de casamiento que á la letra es como signe.

[(On the margin,) Don José de Goseascochea Español con Da. Fran'ca Javiera de la Garza Española.]

En diez y siete dias del mes de Febrero de mil setecientos setenta y siete años: Yo Fran'ca Villaendas cura en encomienda ministro y Juez Ecco de esta Villa de Camargo y su jurisdiccion casé y velé *in faciae ecclesiae* á Don José de Goseascochea Español orego. de los Renios de Castilla Señorio y viscaya villa de Gequestro obispado de Cataloma y la calvada, soltero hijo leg'mo de Don José Manuel de Goseascochea y de Da. Catarina Goseascochea Malas Echevierra y reco. de esta jurisdiccion con Da. Fran'ca Javiera de la Garza Española nativa y vecina de esta villa hija legma. do Don José Salvador de la Garza defunto y Doña Maria Gertrudis de la Garza Falcon cuyo matrimonio celebre habiendo precedido las previas diligencias matrimoniales dispuestas por el Sto. Concilie de Trento y amonestadas que fueron en tros dias festivas centuinos *inter misarium solemnia* que la fueron la primera el 2 de Febro Festvidad de purificacion de ultra Señora—la 2a el 4 de mesnia Domnica septuagessima—y la 3a el onse del propio, Dominica secsagesima de la que ne resulto impedimento alguno: fueron padrinos de este casam'to el Capitan Dn. José Antonio de la Garza Falcon, y su esposa Da. Leanor Mendez, y testigos á su celebracion, y Dn. Matias Long'a todo de esta vecindad y para que conste la firmé—Fr. Fran'co Villuendas.

La cual partida se haya fiel y legalmente sacada de su original de su obra en el archivo de mi curgo en el libro pajas y numero

citado al que me remito—Jusgado Ecco de la villa de Carmargo, Mayo 4 de 1849.

J. FRAN'CA RECIO.

El Presbo. José M'a. Rod'z. cura y Juez Ecco de esta ciudad y Puerto certifico: que la firma anterior es al tor cura de Camargo. Mal's Mayo 11 de 1849.

BR. JOSE M'A RODZ.

El Eseribana Publico que al calce signo y firmé.

Certifico y doy fé, que la firmé, que antecede es la que usa y acostumbra al Sor Cura y Juez Ecco de Matamoras Presbetero Don José Maria Rodriguez, en la da sus autos publicas que dehe darse entera fé y credito.

Matamoras, Mayo 15 de 1849.

JOAQUIN ARGUELLES.
Esño Peo.

Sel Cuarto. Años de mil ochocientos cuarenta
Un Real. y ocho y mil.
Ochocientos cuarenta y nuevo.

CONSULATE OF THE U. S. A.
Matamoras, Mexico.

I, Thomas W. Slemons, Consul of the United States of America for the port of Matamoras, do hereby certify that Joaquin Argüelles, who attests the annexed documents under his own proper signature, to me the said Consul well known, is now, and was at the time of signing the same, a Notary Public in and for the city and port of Matamoras, and that to all his acts as such, full faith and credit are given in and out of judicature.

In testimony whereof I hereunto subscribe my name, and affix [SEAL.] the seal of my office, this 16th day of May, 1849.

THOMAS W. SLEMONS.

Translation.

I, the Priest José Francisco Recio, curate of the town of Camargo, and its jurisdiction, certify in all form of law, that among the books comprised in the archives of this parish, there is one bound in red leather, in which, on the first page of leaf 68, there is an entry of marriage, which is literally as follows:

[In the margin, No. 2. Don José Goseascochea, Spaniard, to Doña Francisca Xaviera de la Garza, Spaniard.]

On the seventeenth day of the month of February, one thousand seven hundred and eighty-seven, I, Br. Francisco Villuendas, curate *en conuiendum*, Priest, and Ecclesiastical Judge of this town of Camargo and its jurisdiction, married in faciae ecclesiae, Don José Goseascochea, a Spaniard, native of the Kingdoms of Castile, Lordship of Biscay, town of Gequnteo, bishopric see of Calahorra

and Calrada, only son of Don José Manuel de Goseascochea and Doña Caterina Goseascochea Malas Echevierra, and a resident of this jurisdiction, to Doña Francisca Javiera de la Garza, a Spaniard, a native and resident of this town, lawful daughter of D. José Salvador de la Garza, deceased, and of Doña Maria Gertrudis de la Garza Falcon, which marriage I celebrated, the preliminary proceedings for it having been previously had according to the requirements of the Holy Council of Trent, and they having been published on three consecutive feast-days, *inter inissarum solemnia*, which occasions were, first, on the 2d of February, Feast of the Purification of Our Lady; 2d on the 4th of the same month, Septuagesima Sunday; and the 3d, the 11th of the same month, Sexagesima Sunday, at which no impediment appeared. Captain Don José Antonio de la Garza Falcon, and his wife, Doña Maria Leonor Mendez, were sponsors to this marriage; witnesses to its celebration, D. José Maria Garcia, D. José Lorenzo Treviño, and D. Matias Longoria, all of this neighborhood, and that it may appear, I have signed this.

BR. FRAN'CO VILLUENDAS.

Which entry is truly and legally copied from its original, which exists in the archives under my charge, in the book, leaf, and number aforesaid, to which I refer. Ecclesiastical Tribunal of the Town of Comargo, May 4, 1849.

J. FRANCISCO RECIO.

Then follows a certificate of the curate of Matamoras, one from the Notary Public, and one from the American Consul at that city.

(Endorsed.) Read in evidence by the complainants, at the hearing.

JAMES LOVE, *Clerk.*

Entries in Parish Registers.

[Containing copy of Burial of D. Blas Maria de la Garza, and Doña Francisca Cavazos, and Dona Javiera de la Garza, testified to by Rodriguez.]

The within documents were offered in evidence by the complainants at the hearing, and objected to by defendants as incompetent evidence. It was specially objected that the duty to keep such registers by law was not shown; that the fact that such registers were properly kept was not shown; that the identity of the persons named therein is not shown; that said copy is not proved in any sufficient or legal manner to make them evidence in this Court. All which objections were overruled by the Court, and the same read in evidence by complainants.

JAMES LOVE, *Clerk.*

Sello Quinto.
Medio Real.

Años de mil ochocientos cuarenta y ocho y mil ochocientos cuarenta y nueve.

E Presbitere D. José Maria Rodriquez, Cura propio Jues Ec'co de Esta ciudad y Puerta de Matamoras. Certifico que en el libro Vo. de enturras al folio que a la vuelta hay una partida del tenor sigmente. En 15 de Mayo de 1802, yó el Br. Don Nicolas Balli di Sepultura Ec'ca con entierro mayor y. f. de quinse pesos á Don Blas Ma. de la G'za E. marido que fué de Da. Fran'ca Cavazos, recire les S'tos Sacrimentos teste dejando sola las mandas forsozas mo. de Feb're, y pa, const'a lo firmé—Br. Nicolas Balli. La cual partida es fiel y legitam'te sacada de la original que concuerda con ella, en el Libro y folio yá citados.

Matamoras, Octubre 30de, 1849.

BR. JOSE M'A ROD'Z.

Sello Quinto. { Años de mil ochocientos y cuarenta y ocho y de mil ochocientos cuarenta y nueve. } Medio Real.

El Presbitero D. José Maria Rodriguez, Cura proprio y Juez Ec'co de Esta ciudad y Puerta de Matamoras. Certifico que en el libre 3a. de Entierros al folio 94, hay una partida del tenor segurente. En la Villa de Matamoras, a 20 de Agoste, de 1833, el Presb'o D. Manuel de la Garza, mi The. dio Sepultura Ec'co con entierro menor F. trenita reales á Da. Francisca Xaviera de la Garza, recire la extrema unicion murio del colera y para constancia la firme—José Ma. Rodriguez

La cual partida es fiel y legatmente sacada de la original que concuerda con ella en el libro y folio yá citados.

Matamoras, Octubre 30 de 1849.

PRO. JOSE M'A ROD'Z.

Sello Quinto. { Años de mil ochocientos cuarenta y ocho y mil ochocientos cuarenta y nueve. } Medio Real.

El Presbitero D. José Ma. Rodriguez cura propio y Juez Ecco de esta cuidad y Puerta de Matamoras. Certifico que en el libro 3a de entierros al falio 102 hay una partida del tenor siguiente.

En la cuidad de Matam a 6 de Marzo de 1839, el Puesbitiro D. Juan Cardenas mi stre dio sepultura Ecca con entierro menor J. veinte reales vecenio la extrema uncion Mo. de Ftre. y para constancia la formé. JOSE MA. RODRIGUEZ.

La cual partida es fiel y legalmente sacada es la original que concerda con ella en el libro y folio ya citados.

Matamoras, Octubre 30, de 1849.

PBO. JOSE MA. RAD'Z.

DISTRICT COURT OF THE UNITED STATES, *District of Texas.*

I, James Love, Clerk of the District Court of the United States for the District of Texas, certify that the foregoing five pages con

tain a true and perfect copy of the Document No. 10, originally filed in the chancery cause, No. 41, Rafael Garcia Cavazos, et al., *vs.* Charles Stillman, et al., which original is withdrawn by leave of the Court, and this copy filed in its stead.

In testimony whereof I hereunto set my hand, and affix the seal [SEAL.] of said Court, at Galveston, this sixth day of August, in the year of our Lord, one thousand eight hundred and fifty-four.

Translations.

I, the Priest, D. José Maria Rodriguez, Proper Curate and Ecclesiastical Judge of the city and port of Matamoras, certify that in the first book of burials on the reverse of the ninth leaf, there is an entry of the following tenor:

On the 15th day of May, 1802, I, the bachelor, D. Nicolas Balli, gave ecclesiastical burial, with a funeral of the first class, (entierra majer) at fifteen dollars, to D. Blas Maria de la Garza, formerly the husband of Doña Francisca Cavazos. He received the Holy Sacraments, made his will, leaving only the necessary legacies (mandas forsesas) and died of fever; and that it may appear, I have signed this.

Bachelor, NICOLAS BALLI.

Which entry is faithfully and legally copied from the original, which agrees with it in the book and folio already mentioned.

Br. JOSE MA. RODRIGUEZ.

Matamoras, Oct. 30th, 1849.

I, the priest, D. José Maria Rodriguez, proper curate and ecclesiastical judge of this city and port of Matamoras, certify that in the 3d book of Burials, on folio 94, there is an entry of the following tenor:

In the town of Matamoras on the 20th of August, 1833, the priest, Don Manuel de la Garza, my substitute, gave ecclesiastical burial with a funeral of the second class (entierra menor), at twenty reales, to Doña Francisca Javiera Garza. She received the extreme unction and died of the cholera, as evidence whereof I have signed this,

JOSE MARIA RODRIGUEZ.

Which entry is faithfully and legally copied from the original, which agrees with it in the book and folio already mentioned.

BR. JOSE MARIA ROD'Z.

Matamoras, October 30, 1849.

I, the priest, Don José Maria Rodriguez, proper curate and ecclesiastical judge of this city and port of Matamoras, certify that in the 3d book of burials, on folio 102, there is an entry of the following tenor:

In the city of Matamoras on the 6th of March, 1839, the priest, Don Juan Cardenas, my substitute, gave ecclesiastical burial in

the burying ground of the parish, to Doña Francisca Cavazos, an adult, a funeral of the second class, for twenty reales. She received the extreme unction and died of fever. For proof whereof I have sealed this.

JOSE MARIA RODRIGUEZ.

Which entry is faithfully and legally copied from the original, which agrees with it in the book and folio already mentioned.

BR. JOSE MARIA RODRIGUEZ.

Matamoras, October 30, 1849.

I certify that the foregoing is a correct translation of the original on file in the second of the above entitled causes, made by me, in accordance with the order of the Court.

Document proved by Rodriguez.

[This document, purporting to be a copy of an entry in the parish registers of the town of Reynosa, of the marriage of Doña Josefa and Don Rafael Garcia Cavazos, has been long since lost or removed, and no copy remains in its stead. The translation is on file, and is as follows, to wit:

JAMES LOVE, *Clerk.*]

Translation.

DISTRICT COURT OF THE UNITED STATES, *District of Texas.*

RAFAEL GARCIA CAVAZOS, and others, *vs.* CHARLES STILLMAN, and others. } In Chancery.

RAFAEL GARCIA CAVAZOS, *et al.*, *vs.* SIMON MUSSINA.

Translation of the copy of the entry in the parish registers of the town of Reynosa.

I, the priest, Antonio de la Garza Rodriguez, curate, *ad interim*, of this town and its jurisdiction, certify, so far as I can and the law allows, that there is among the books belonging to this curacy, one bound in red leather, of the entries of marriages, and on the first page of the 41st leaf, there is an entry as follows:

In this parish of our Lady of Guadalupe de Reynosa, on the second of October, one thousand eight hundred and eighteen, I, Don Juan de Cardenas, Curate and Ecclesiastical Judge of this town, married in *faciae ecclesiae*, at the proper time, Don Rafael Garcia, a native of the town of San Fernando, and domiciliated for a year in these parts, in this town of Reynosa, and legitimate son of D. Juan J. Garcia, and Doña Maria Rosalia de Leon, to Doña Maria Josefa Cavazos, of this vicinity, and legitimate

daughter of D. Maesurio Cabazos, and Doña Maria Ygnacia Cabazos, whose intentions were announced in this parish under my charge, on three festive days, *inter inissarum solemnia*, according to the provisions of the council, which was done on the 21st, 28th, and 29th days of February, feast days, and the 17th and 18th Sundays after Pentecost, and the day of St. Michael the Archangel, and no impediment resulted, even after the time which the canonical law prescribes, had passed, were their sponsors.

Which entry is faithfully and legally copied, and agrees with the original, to which I refer.

ANTONIO DE LA GARZA Y RODRIGUEZ.

Curacy of Reynosa, and November 30, 1849.

I certify that the foregoing is a correct translation of the original, made in pursuance of the order of the Court.

WILLIAM G. HALE.

Testament of Don Blas Maria de la Garza.

The following document or copy of will was offered in evidence by the complainant at the hearing, and objected to by the defendants as incompetent evidence. The same special objections were made to the same, as were made to and endorsed in the copy of the testament of Doña Maria Gertrudis de la Garza Falcon, read in evidence by complainants. The same were overruled by the Court; and the said document or copy read in evidence by complainant.

JAMES LOVE, *Clerk.*

Testimonio del Testamento de D. Blas Maria de la Garza—Lo saeó hoy 8 de Febreso de 1833.

E.

Sello Segundoo Para los años { Libertad. } Doce Reales de 1833 y 1834.

En el nombre as Dios todo poderoso y de la Virgin Maria Sña nuestra, concevida sin pecado original desde el primer instante de su purissima ser. Amen. Sepace y sea notorio a todos, como yo D. Blas de la Garza natural de la villa de Carmargo y Alje de la Compania de Milicias de otra villa por en Mags. 2, D. G. en esta. Colonia de Nuevo Santander, y vecino de esta Costa Jurisdicion de la villa de Reynosa; hijo legitimo de D. José Salvador de la Garza y Da Gertrudis de la Garza Falcon ya difuntas: hallandome enfermo en uma camasy, asido Dios serivdo animarme, estando en mi entero Juicio y entendimientoto natural creyendo como cree, en el mistero de la Santissima Trinidad, Padre, hijo y Espiritu Santo, tres personas distintas y un solo Dios verdades todo

poderoso; tambien creo en la Encarnacion del Divino verbo en las Prurisimas entrañas de Maria siempre Virgin, y en todos los demas misterios que trine cré y confiesza nuestra madre la Santa Iglesia Catholica, Apostolica, Romana, en cuya Feé y Creencia he vivido y protesto vivir como Catholico Apostolico Romano con el inestimado precio de la preciosisima sangre de Nuestro Soñor Jesucristo, Temiendo como temo la muerte que es natural a todo criatura, no me coja de improviso, y deseando salvar mi alma elijo y nombro por mis patronos y abogados y intercesores en el Tribunal de Dios en donde tengo de rerne para dar cuenta de mi vida; la Santissima Virgin, al Gloriosa Patriarca el Señor Dn. Josó, al Arcangel Sn. Miguel, Santo de mi nombres devocion de todos los Santos de la Corte del Ciclo para que llegado la hora de muerte y salida mi alma de mi cuerpo la lleve de este mundo al seguro puerto de mi salvacion donde espero intercedan por ella por que es mi deseo y quiero que mi alma se salve ordeno y ago este mi Testamto en la forma siguiente.

1a. Primeramente.—Mando mi alma a Dios nuestro Sr. J. C. la crio, redemio con el inestimable precio de su santissima sangre, y pido a su Majestad la llera en gloria, para donde fué criada, y mi cuerpo mando a la tierra pues de ella fue formada. 2. Ytem.—Mando que mi cuerpo sea amontajado con al anto de N. P. Sª Francisco, y mi entierro sea mayor, aunque humilde, y sin pompa. 3. Ytem.—Mando q. mi cuerpo sea sepultado en la iglesia de esta costa cercada la primer grada, á en donde me coja el mal de la muerte. 4. Ytem.—Declaro haber sido casado y velado segun el orden de N. M. la Santa Iglesia con Da. Francisca Cavazos, de cuyo matrimonio no emos tenido sucesion de hijos en el termino de diez años que llebamos de casados, y menos fuera de el heredero forsozo, asi lo declaro para que conste. 5. Yt.—Declaro qne cuando contrage el precitado matrimonio con mi esposa Da. Francisca Cavazos no introdije cosa alguná

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que mi hermana por parte paterna quedo inclusa en la casa de la Señora Madre con la parte q. adicha Señora la toco, y á su fallecimiento que fué al año, poca mas á menos de la muerte del Señor mipadre aun se hallaba mancomunados estos bienes, es decir la parte paterna mia con la correspondiente a dha Sña. respeto al poder gñal que esta señora mi tenia conferido, habiendo fallecido como dicho es, mucho tiempo hace, jamas he podido consegir con sus Albaseas ab fin quito de sus encargos. Asi lo declaro para que conste. 6. Yt.—Q. de todos los precitados vienes de la casa materna en que se hallaban inclusos los q. me pertenecian por parte paternas desde el Fallecimiento, de la Sr. mi madre hasta esta fha., tengo recevido dos cajas, un Almires un relicario de ceda de agonias almado de oro, sin haber peravido otra cosa

que declaro pera constancia. 7. Yt.—Declaro que mando contrage el matrimonio arriba espuesto con mi esposa, Da. Francisca Cavazos se me entregó de su Tutela cuarenta y cinco Yeguas, seis Potrancas de dos años, dos Burras mansas, un Cabello manso, tres potros de edad capones, seis dichos de dos años enteros, quinze Potrillos y Potranquintas de errero, dos Caballos para padres, diez vacas y cuatro toros que declaro para que coneste. 8. Yt—Declaro por mi vienes sin mandas de signas las cinco Alburadas, y la una de caballo algo deteriorados, y menas caladas, y todo los demas q. se encuentren, mostremo de mi yerro y marca. Asi lo declaro para que coneste. 9. Ytem.—Declaro por vienes mios catorce cavallos mansos, y todos los demas q. se encuentren de mi yero, con mas otro caballito Rusio del hierro de D. Pablo Villareal que le regalaran a mi esposa, y no tiene mi hierro q. declaro para que conste.

10. Yt.—Declaro por mis vienes bienes varias mulas de dos años sin fierro que por mis soledad no se han podido herrar. Asi lo declaro para que conste. 11. Yt.—Declaro por mis vienes trece, ó catorce mulitos de año orejanos sin hierro q. por el mismo motivo arriba espresado no se han errado que declaro para que conste. 12. Yt.—Declaro por vienes mios tres mulas las dos Cerreras y la otra quebrantada. Asi lo declaro para que conste. 13. Yt.—Declaro por vienes cuatro Burros mesos, pues amig. las Manadas Aburradas son cinco, dos las atende un burro, y las demas cada una tiene el suyo q. declaro para q. conste. 14. Yt.—Declaro por mis vienes cuatro Burras y las demas q. paresian de hierro y señal: para q. conste declarado. 15. Yt.—Declaro tenia en poder de Francisco Peña cuatrocientas Cabesas de Ganado Menor de Pelo y lana de todos clases y edades, con el trato de pagar le tres pesos cada mes arrimado al suyo q. por este motivo como en mi Agostadero sin pagar renta alguna, y para dos años q. lo tiene en su poder y para que conste asi lo declaro. 16. Yt.—Declaro tenia otras trienta a cuarenta Cabazós de Ganado Menor de todos especies y edades en mi casa. Asi lo declaro para que conste. 17. Ytem.—Declaro por bienes mios tres yuntas de Bueyes aperadas, cinco Bacas Chichihuaitas pues aunque son seis la una tengo destinado a mi sobrina Maria Josefa Cavazos. Asi lo declaro para que conste. 18. Ytem.—Declaro por vienes todo lo q. huviere de mi hierro y señal perdido y minstreneo para que se agreguen al cumulo de mis vienes, como tambien la parte que me corresponda del Ganado Bacuno q. esta indomestico, y la del Agostadero del Espiritu Santo en donde se halla d'ho ganado. Asi lo declaro para que conste. 19. Yt.—Declaro por vienes mios las tierras de Somburetillo, pues aunque los titulos de ellas se hallan entre los papeles de la casa mortoriá se usa adjudicaron por los Albaseas con tal que pagorá cuatrocientos ps. a varios acreedores de la casa como en afecto los pagué: que declaro para que conste. 20. Yt.—Que a mas de los cuatro-

cieñtos ps. arriba declarados he satisfecho otros cien pesos a los demas acrehedores que tenia la casa y a mi se me han pagoda por los citados Albaseas con un quadro de Sr. Sñ. José que se halla en poder de mi hermana Da. Xaviera de la Garza y otras menudencias, con lo que quedé satisfecho del total de Quinientos pesos que me correspondian de las dependencias de la casa Mortonia. Asi lo declaro para que conste. 21. Yt.—Declaro por vienes mios mi Jacal en tierras q. me asignaron de mi pertenencia los y a citados albaseas y en el una Asuela gurvia otra derecha

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un capillo un Asadon tres Achas la una se hallara en poder del mose de D. Crisostomo y la otra en poder de Pedro de la Garza, tres Gatos rejas. 22. Yt.—Declaro por vienes mios toda la repa de mi uzo que pareciere en la casa de mi morada, asi lo declaro para que conste. 23. Yt.—Declaro por vienes mios mi Caballo ensillado, y enfrenado, con cuero, adarga, larga, escopeta, una Pistola q. se halla en poder de Alferes Ynojosa, y la cartuchera. Asi lo declaro. 24. Declaro por mis vienes una Yegua chaponcea con mi atacho de dos años con el hierro de D. Felipe en una manada de Rusias de D. Pedro Prieto, y un Mulito orejano de los que se erraron el año pasado, todos hijos de d'ha Yegua. Asi lo declaro. 25. Yt.—Declaro por mis vienes en un atajo mostronco de un Cabello de D. Pedro Prieto una Yegua Canela, con un Macho colorado con el hierro ne D. Juan de la Reinega que tanpoco yo no he entregado, ni menos el de arriba, los vio mamor á las Yegua D. Domingo Guerra, y al ultimo ser caporal tambien asi la declaro para que conste. 26. Yt.—Declaro que en el atájo de los virdas anda una mula sin fierro de D. Franca. Cerdentes q. le vendio Victoriano Ramires marcada en la quijada con el hierro de D. Anto. Ximenes, mia propia y la conoce Franco. Treviño y Dionizio Perez. Declaro lo para constancia. 27. Yt.—En una manada de D. Pedro Prieto anda una Yegua Sebruna con Mulito q. va ados años y de la misma Yegua me debe d'ho mi ermano D. Pedro, una mula de dos años q. va a tres.

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Declara lo asi para que conste. 28. Yt.—En una manada del presitado D. Pedro y handa una Yegua colorada del fierro de D. Joaquin Gonzales el del Pilon que tambien es mia. Asi lo declaro para que conste. 29. Yt.—En mi poder de Reyes tongo dos Yeguas, la una mansa, y la otra Guerrera y yo le debo cinco ps. en pago de una manada que me debe entregar aquerenciadas de mostrencas que para este fin, le di, y han proquedo onse crias. Asi lo declaro para que conste. 30. Yt.—En poder de D. Matias Ramires toda la renta q. hubiero causado desde que me hiso

escritura de arrendamto. hasta este año q. los saco me esta deviendo esta renta, la escritura dira lo q. fuere. Asi lo declaro para que conste. 31. Yt.—Declaro que de Matias Ramires a demas de la clausula de arriba me deve una Yegua asi lo declaro para que conste. 32. D. Juan de la Garza Montemayor me deve el arrendamto. en las tierras en que agosta en ganada menu do que no baja de tros mil cabesas, pagará por su arrendamto. lo que cristianamte. digere. Asi lo declaro para que conste.

33. Yt.—D. Domingo Guerra deho la venta de seis á siete años que se mantuyo en mis trerras sin ecritura que se le cobrara en arreglo á lo costumbrado. Asi lo declaro para que conste. 34. Yt.—Declaro que D. Domingo Guerra me debe mas unas Reses que amatado en mi Agostadero, un Caballo de des Reindas entero qe. echo en una manada suyo. Asi lo declaro para que conste. 35. Yt.—D. Crisostoneo Longeria mi debe lo qe quisiera dar voluntariamente de renta por tres años, que mantuvo eno seines en mis tierras, y doze ps. que mequedo apagar por D. Margil Cano. Asi lo declaro para que conste. 36. Yt.—El cabo D. José Antonio Cisneros mi debe cuatro reses que importaron diez, y seis ps. y tres aparejos á siete pesos acen viente, y unpesos. Asi lo declaro para que conste. 37. Yt.—Nepomunceno Cisneros mi debe cinco Reses á cuatro pesos son viente ps. segun el mismo declaro. Asi lo declaro para que conste. 38. Yt.—Los Señores Baillios á recescion del Señor Capitan q. me ha pogado, las reses que tuvieron percividas por declaracion de sus Caporales y Bagneros, haonadas mi bale que tiene el Sr. Br. lo restante se cobrará. Asi lo declaro para que conste. 39. Yt.—Un moso llamado Julian Guerra me salio deviendo en ajustá de cuenta Noventa, y dos pesos. Asi lo declaro para que conste, y los pogue á la Señora Da. Rosa. 40. Yt.—Un viejo Saldivar de cadencita me deve un par de mulitas que le preste en catorce ps. Asi lo declaro para que conste. 41. Yt.—Juan Perez cincuenta, y ciete pesos segun el libro de Caja. Asi lo declaro para que conste. 42. Yt.—Juan Moya de Cadercita debe un par de Mulitos en catorce ps. y una yegua mansa en seis pesos de dos rienda. Asi lo declaro para que conste. 43. El difunto Francisca Quinoa me debe siete yeguas asi lo declaro para constancia. 44. Yt.—Bernardo Cano Diez, y siete yeguas que le preste para q. pagara. Asi lo declaro para que conste. 45. Mas se mi debe lo que consta por una lista que me tiene presentada D. Antonio Gutierrez de los sugetos que en ella contiene que se les cobrará á cada una lo que les corresponde pues que se les dio de mi cuenta. Asi lo declaro para que conste. 46. Yt.—D. José Antonio Ramires mi debe un Burro manso, yuna mula de edad. Asi lo declaro para que conste. 47. Yt.—El negro Matias Gonzales mi debe lo que constare que le pagó al Sr. Br. D. Nicolas Balli par él, asi lo declaro para que conste. 48. Yt.—Mariano Recio mi debe un Caballo de ninda en diez ps. Asi lo declaro para que conste. 49. D. Miguel Barrera de Serralio, un

Caballo de rienda en diez ps. asi lo declaro para que conste. 50. Yt.—Un platero de Monterey llamado Juan Antonio Gomez mi debe cinco marcos de plata cinco ouzas, y un Cavallo de falsa siendo en cinco ps. Asi lo declaro para que conste. 51. Yt.—Debe seiscientos pesos de la finca de Ser San José de Camargo, de cuyos reditos estoy asi mismo deviando noventa, y un peso Asi lo declaro para que conste. 52. Debe á D. Juan de Reynega lo que constare por su libro de caja. Asi lo declaro para que conste—Otro—se que se debera abonar lo que conste tener recivido D. Calisto Ayala su Cobrador. Asi lo declaro para que conste. 53. Yt.—A D. Juan de la Garza, Monte Mayor, y compañia

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lo que constare en su libro de caja rebajando los abonos que tengo dados. Asi lo declaro para que conste. 54. Yt.—A D. Francisca Machoro debó treinta, y tantos pesos. Asi lo declaro para que conste. 55. Yt.—Al cajero de D. Manuel de la Torre quinze ps. 57. Al teniente D. Franco. Balli debo siete pesos. 58. Yt.—A Don Miguel Chapa debo tres pesos, asi lo declaro para que conste. 59. Yt.—A Benito Resendes tres ps. à Don Manuel de la Fuente dijo ad Andres de la Fuente veinte, y cuatro pesos por un vale que tiene mio. A Don Pedro Ignacio Garcia, cincuenta, y tres pesos, asi lo declaro para que conste. 60. Yt.—A mi hermano Doña Javeira de la Garza debe lo que constare alcansar me en mi hijulea de Particion. Asi lo declaro para que conste. 61. It.—A D. Cayetano Mediano debe veinte, y siete ps. cuatro re, y una mula de dos años que le dipara el santissimo sacamto. 62. It.—Declaro deber le á Sr. San José dos misas resadas lo declaro para que conste. 63. Declaro que en las voyas contumeños de mis manadas esta una yegua prieta del fierro de Don Matias Ramires con una mula prieta de las que se curaron, y una petranea de dos años sin mi hierro, que todo tengo comprado. Declaro para que conteste- 64. It.—Mando que Doscientas (obejas) digo cabras que estan en mi poder de D. Domingo Guerra, se le paguen, con mas los reditos de cuatro años que declaro para que conste. 63. Yt.—Deven le al citado Don Domingo Guerra un

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macho de edad, y otro de año un par de Coquillos nuevos unas armas, y un par de botas que declaro para que conste.

66. Yt.—Deben me Agustin Lopez una manada de viente y cinco Yeguas, y un Cavallo padre un mas veinte y cinco pesos que pague por el—asi lo declaro para que conste. 67. Yt.—Declaro deberme de los bienes del difunto D. Marcelo Ramires cinco bestias mulares hembras y una Yegua que les preste todo de toda edad lo que le consta á Anto de la Garza, alias Mariscal, que de-

claro p^{a} que conste. 68. Ant^{o} Anda me debe dos caballos de dos riendas asi lo declaro para que conste. 69. Yt.—Mando que pagados las deudas, funeral, entierro, y mandas forzosas, el remaniente de mis bienes se aplique a fabor de mi esposa Da. Franc^{a} Cabazos a quien nombro y es mi voluntad sea mi heredera para que haya, dispute y logre todo cuanto a mi pertenesca, exceptuando el Quinto 9, es mi voluntad dejar lo para en beneficio a mi sobrina Maria Josefa Cavazos á quien he criada desde chicha—asi lo declaro para que conste. 70. Yt.—Declaro que para el cumplimiento de este testamento es mi ultima voluntad nombrao Albaseas tenedores de vienes, y nombro para que lo sean en primer lugar el S'ñr Br. D. Nicolas Balli, en segundo lugar á la precitada Da. Fran^{ca} Cavazos mi esposa, y en tercer lugar á D. Blas de la Garza Falcón á quienes encargo como mistales albaseas fidei comisarios, guarden, cumplan y ejecuten d'ho mi testamento segun y como en el so contiene por sus clausulas en el termino del D'ro que para todo lo huello anexo, serviente y combeniente les confiero todo mi poder y facultad cuanto se requiera y necesario fuere: y para su mayor validacion y firmesa rogué al teniente de este partido interponga su autoridad y judicial decreto cuanto necesario sea; y yo el precitado teniente de esta costa D. Vicente Lopez de Erreras por legitimo nombramiento del teniente de milicias, D. José Francisco Balli, Justicia Mayor de la villa de Reynosa y su Distrito, compliendo con los deberes de mi obligacion, hiso comparecer a tres vecinos honrados para la mayor validacion de este testamento, para que sirvieran de testigos instrumentales, siendo lo D. Caystario Giron, D. Calisto Ayala, y D. Blas de la Garza Falcón, todos de esta vecindad que firmaron con migo el otorgante, y les de mi asistencia con quienos actuo como Juez Recepton a falta de todo Escribano q. no le hay ni en el termino que previene el Dio en esta Nueva Poblacion de N. Sa. del Refugio a cuatro dias del mes de mayo de mil ochocientos dos Años Doy Fé—Vicente Lopez de Herrara—Blas Ma. de la Garza —José Cayetano Giron—Calistro de Hayala—Blas Ma. Falcón—de assa., Cayetano Medrano—de assa., José Vincente Lopez.—En dicho dia mes y año, yo el precitado teniente de justicia mayor arriba espuesto, para la prosecucion de este testamento en papel de oficio a falta de todo Escribano de parte que no lo hay en todos estos contornos, puse esta certificacion para constancia lo q. certifico en cuanto puedo debo y el D'ro me permite dejando a salvo el *Resario* para que sin su perjuicio valga este pliego como el de parte, pues la urgencia de la grabedad de la enfermedad del otorgante no permite mas dilacion de t'po: todo lo que certifico y doy fé firmando lo con los testigos de mi assa. actuando por receptoria como d'ho es—Vicente Lopez de Herrera—de assa., José Vicente Lopez—Cayetano Medrano.

Concuerda con la disposicion testamentaria que obra en el archivo publico de esta villa que es á mi cargo *el Testamento*

sacado corregida y concordado y al verbo sacar fueron instrumentales los Ciudadanos Antonio Dominguez George Cavasos, y Felis de Leon, se sacó á peticion de D. Blas Ma. Cavazos por en cargo de las partes interesadas va en siete fojas tutiles, primera y ultima del Sello 2o uniforme á la Ley as ilo certifico y firmo con los de mi assa. con quienes actuo por inapia de Escribano que no lo hay segun el D'ro doy fé hoy 8 de Febrero de 1833. En testimonio de Beadad,

J. ANTONIO LEAL DE LEON.

Assa. Assa.
Manuel de la Viña. Rafael Parientes.

Importa los d'ros Judiciales con Registro de Archivo doce p^s lo q. para constancia auto y Rubrico.

This document was annexed to the deposition of Santiago Dominguez from Camargo, and was withdrawn by leave of the Court.

JAMES LOVE,
Clerk U. S. District Court—District of Texas.

Same objections taken by the defendants to all the written depositions as were taken to package No. 9, and overruled by the Court, and read in evidence by complainants.

JAMES LOVE, *Clerk.*

Further Endorsement.

DA. FRANCA CAVAZOS.

DISTRICT COURT OF THE UNITED STATES, }
District of Texas. }

I, James Love, Clerk of the District Court of the United States, for the District of Texas, certify that the foregoing sixteen pages contain a true and perfect copy of Document E, originally filed in the Chancery case, No. 41, Rafael Garcia Cavazos *et als. vs.* Charles Stillman *et als*, which original is withdrawn by leave of Court, and this copy filed in its stead.

In testimony whereof I hereunto set my hand and affix the seal of said Court at Galveston, this fifth day of August, in the year of our Lord, one thousand eight hundred and fifty four.

[SEAL.]

JAMES LOVE, *Clerk.*

Translation of the Testament of Don Blas Maria de la Garza.

DISTRICT COURT OF THE UNITED STATES,
District of Texas.

RAFAEL GARCIA CAVAZOS, et als.,
v.
SIMON MUSSINA.

RAFAEL GARCIA CAVAZOS, and others,
v.
CHARLES STILLMAN, and others.
In Chancery.

Translation of the Testament of D. Blas Maria de la Garza, filed in the last of the above entitled causes, and to be offered in evidence in both, on the part of the plaintiffs.

In the name of Omnipotent God, and of our Lady the Virgin Mary, conceived without original sin from the first moment of her purest existence. Amen.

Be it known and notorious to all, that I, D. Blas de la Garza, a native of the town of Camargo, and ensign of the company of militia (by the commission of his Majesty whom may God preserve,) for the said town, in this colony of New Santander, and resident of this frontier, in the jurisdiction of the town of Reynosa; legitimate son of D. José Salvador de la Garza, and of Doña Gertrudis de la Garza Falcon, now deceased. Being unwell and confined to my bed with a sickness, which it has pleased God to send me, being in my perfect natural judgment and understanding, believing, as I do believe, in the mystery of the most Holy Trinity, Father, Son and Holy Ghost, three distinct persons and one only God truly Omnipotent: I likewise believe in the Incarnation of the Divine Word, in the purest womb of Virgin Mary, always a Virgin, and in all the other mysteries, which our Mother, the Holy Roman Catholic Apostolic Church, holds, believes and confesses, in the faith and belief whereof I have lived, and declare that I live a Christian of the Roman Catholic Apostolic Church, by the inestimable price of the purest blood of our Lord Jesus Christ, fearing as I do, that death, which is the common lot of all created beings, may come upon me unawares, and desiring to save my soul, choose and name as my patrons, and advocates, and intercessors before the Tribunal of God, where I am to appear to give an account of my life, the most Holy Virgin, the glorious patriarch St. Joseph the Archangel, St. Michael saint of my name and devotion, and all of the saints of the Court of Heaven, that when the hour of my death shall come, and my soul shall leave my body, they may transfer it from this world to the safe harbor of salvation, where I hope they will intercede for it, for it is my desire and prayer that my soul may be saved; I ordain and make this my will in the form and manner following.

1. First.—I commend my soul to God our Lord who created it,

and redeemed it with the inestimable price of his blood, and I beseech his Majesty to raise it to his glory, for which it was created, and my body I commit to the earth since it was formed from it. 2. Item.—I order my body to be laid out in the grave clothes prescribed by our Seraphic Father St. Francis, and that my burial be of the first class, though humble and unostentatious. 3. Item.—I order that my body be buried in the church of this frontier, in which the pains of death seized me, and near the first step of the altar. 4. Item.—I declare that I have been married according to the canon of our mother, the Holy Church, to Doña Francisca Cavazos, by which marriage we had no issue during the entire continuance of our marriage for ten years, and having no forced heir out of it, so I declare that it may be known. 5. Item.—I declare that when I contracted the aforesaid marriage with my wife, Da. Francisca Cavazos, I introduced nothing therein on account of my paternal inheritance being included in the estate of my mother, together with the portion that belonged to her, and at her death, which was a little before or after the year of the death of my father, this property, that is to say, my paternal inheritance, together with that belonging to her, was still held jointly in consequence of the general power which she had conferred on me, but she having died as has been stated, a long time ago, I have never been able to obtain from her executors the settlement of their accounts, so I declare that it may be known. 6. Item.—That of all the aforesaid property belonging to the succession, in which was included that coming to me on my father's side, I have received since the death of my mother and up to this date, two chests, a mortar, reliquary of wax, a gold Agnes, and I have received nothing else, as I declare for proof thereof. 7. Item.—I declare that when I contracted the above stated marriage with my wife, Da. Francisca Cavazos, her guardian delivered to me, forty-five mares, six fillies two years old, two Jack Asses, one gentle horse, three gildings, six colts two years old, fifteen foals and fillies branded, two stallions, ten cows and four bulls, which I declare it may be known. 9. Item—I declare as my property, fourteen gentle horses, and all the others of my brand, together with another little gray horse of the brand of Don Pablo Villareal, which was presented to my wife and has not my brand, which I declare that it may be known. 10. Item.—I declare as my property, several mules two years old, not branded, which for want of assistance I have not been able to brand, I so declare it that it may be known. 11. Item—I declare as my property, thirteen or fourteen young mules a year old, earmarked but not branded, which have not been branded for the same reason as above stated, as I declare that it may be known. 12. Item.—I declare as my property three she mules, two wild and one broken, I so declare it that it may be known. 13. Item.—I declare as my property, four Jack Asses, since, though the

droves with Jacks are five in number, one Jack Ass supplies two, and each one of the others has its own, as I declare that it may be known. 14. Item.—I declare as my property four Jennies, and the others with my brand and mark, as I declare that it may be known. 15 Item.—I declare that I have in possession of Francisca Peña, four hundred head of goats and sheep of all classes and ages, with the agreement to pay him three dollars a month for them, in company with his own, which for this consideration may graze in my estate without paying any rent. That it is now about two years since he has had them in his possession, and I so declare it that it may appear. 16. Item.—I declare that I have some thirty or forty other head of small stock of all kinds and ages at my residence, I so declare it that it may appear. 17. Item.—I declare as my property three yokes of working oxen, five cows from Chichihuhita, since, tho' there are six. I have destined one for my niece, Maria Josefa Cavazos, so I declare it that it may appear. 18. Item.—I declare as my property all the stock of my brand and mark lost, and running wild, that it may be added to the total amount of my property, as likewise the part of the wild cattle belonging to me, and my part of the estate of Espiritu Santo, in which there is another stock, so I declare it that it may be known. 19. Item.—I declare as my property the lands of Sombretillo, since, altho' their deeds are among the papers of the succession, they have been adjudged to me by the executors, with the condition that I pay four hundred dollars to various creditors of the estate, as I have in fact done, which I declare that it may be known. 20. Item.—That besides the four hundred dollars above stated, I have paid a hundred dollars besides to the other creditors of the estate, and this sum has been paid to me by the aforesaid executors, together with a painting of St. Joseph, which is in the possession of my sister, Da. Xaviera de la Garza, and other small articles by which I am satisfied in the total amount of five hundred dollars coming to me from the personal effects of the estate, I declare it so that it may be known.

21. Item—I declare as my property a house in the lands that the aforesaid executors have assigned to me as my inheritance, and in it, one curved adze, one straight, one plane, a pick axe, three axes, of which one is in the possession of the servant boy, Don Chrisostorno, and the other in possession of Pedro de la Garza, three crowbars. 22. Item—I declare as my property all my wearing apparel at my residence; I so declare it that it may appear. 23. Item—I declare as my property a horse, saddle and bridle, with a leather jacket, shield, lance, musket, a pistol that is in the possession of Ensign Inojosa, and a cartridge-box, so I declare it. 24. Item—I declare as my property a mare with a mule colt two years old, with the brand of Dn. Felipe, in a drove of jennies belonging to Dr. Pedro Prieto, and a young ear-clipped mule, belonging to those that were branded last year,

all colts of the said mare, so I declare it. 25. Item—I declare as my property a wild colt of a horse of Dn. Pedro Prieto, a cinnamon-colored mare, with a bay mule colt, of the brand of Dr. Juan de la Reinigo, which I have not delivered, nor that above stated—Don Domingo Guerra, and lately his stock-keeper, saw them sucking the mares—I likewise so declare it that it may appear. 26. Item—I declare that, among the drove of pack mules belonging to the widows, there is a mule with the brand of Don Francisca Cordentes, which Victoriana Ramires sold him, marked on the cheek with the brand of Don Antonio Ximenes, and this is my own property, and Francisca Treviño and Drinosio Perez know it to be such, I declare it for proof thereof. 27. Item—In a drove, belonging to Don Pedro Prieto, there is a chestnut mare with a mule colt, which is going upon two years, and my brother, Don Pedro owes me a female mule from the same mare, two years old, going on to three, I so declare it that it may appear. 28. Item—In a drove of the aforesaid Don Pedro, there is a bay mare, of the brand of Don Joaquin Gonzales, of Pilon, which is also mine, I so declare it that it may be known. 29. Item—I have in the possession of Reyes two mares, one gentle and the other wild, and I owe him five dollars, in payment for a drove, which he is to deliver me, accustomed to a particular range, out of wild horses, that I had given him for this purpose, and they have had eleven foals, so I declare it that it may be known. 30. Item—In the possession of Don Matias Ramires, all the rent that has become due since he took a lease from me to this year, he is still owing me this rent—the lease will show its amount—I so declare it that it may be known. 31. Item—I declare that Don Matias Ramires, besides what is stated in the above clause, owes me a mare, so I declare that it may be known. 32. Item—Don Juan de la Garza, Monte Mayor, owes me rent for the lands upon which he pastures his small stock, which is not less than three thousand head, he will pay me as rent, what, as a christian, he will say is right, so I declare it that it may be known. 33. Item—Don Domingo Guerra owes me rent for six or seven years he has lived on my land without a written lease, which shall be recovered from him according to the usual terms, I so declare it that it may be known. 34. Item—I declare that Don Domingo Guerra owes me several beeves that he has killed on my estate, and a stallion that has taken up with a drove of his, so I declare it that it may be known. 35. Item—Don Crisostomo Longoria owes me what he may be willing to give voluntarily for rent for three years that he has kept his stock on my land, and twelve dollars that he was to pay me by Don Nigil Cano, so I declare it that it may be known. 36. Item—The chief muleteer, Don José Antonio Cisneros, owes me four beeves that are worth sixteen dollars, and three pack saddles at seven dollars, together, twenty-one dollars, so I declare it that it may be known. 37. Item—

Nepomuceno Cisneros owes me five beeves at four dollars, together, twenty dollars, as he himself states, so I declare it that it may be known. 38. Item—The Ballis, that is with the exception of the captain, who has paid me, owe me for the cattle that they have taken, according to the statements of their managers and stock drivers, and placing to their credit a promissory note, which the priest holds, the rest shall be collected, so I declare that it may be known. 39. Item—A servant, named Julian Guerra, ran off, owing me, on the adjustment of his account, ninety-two dollars, so I declare that it may be known, and that he may pay them to Doña Rosa. 40. An old saldivar, from Cadareita, owes me a pair of mules, which I lent him, valued at fourteen dollars, so I declare that it may be known. 41. Juan Perez, forty-seven dollars, according to the account book, so I declare that it may be known. 42. Item—Juan Moya, of Cadareita, owes me a pair of mules, valued at fourteen dollars, and a gentle mare, used to work in harness, valued at six dollars, so I declare it that it may be known. 43. Item—The deceased, Francisco Quivoa, owes me seven mares, so I declare it for proof thereof. 44. Item—Bernardo Cano, seventeen mares, that I lent him on his promise to pay, so I declare it that it may be known. 45. Item—Also, there is due me what appears on a list, that Don Antonio Gutierrez has presented to me, from the persons stated in it, and the sum due from each shall be collected, since it has been given to them on my account, so I declare it that it may be known.

46. Item—Don José Antonio Ramires owes me a jackass and a grown mule, so I declare it that it may be known. 47. Item—The negro, Matias Gonzales, owes me what it may appear I paid for him to the bachelor, Don Nicolas Balli, so I declare it that it may be known. 48. Item—Mariano Racias owes me a riding horse, at ten dollars, so I declare it that it may be known. 49 Item—Don Miguel Barrera, of Serralvo, owes me a rididg horse, at ten dollars, so I declare it that it may be known. 50. Item—A silversmith of Monterey, named Juan Antonio Gomez, owes me five mares and and five ounces of silver, and a prancing horse. at five dollars, I so declare it that it may be known. 51. Item—I owe six hundred dollars to the revenue of San José de Camargo, and I am also owing, as interest upon this, ninety-one dollars, I so declare it that it may be known. 52. Item—I owe to Don Juan de la Reynega what shall appear by his account books, so I declare it that it may be known. There must also be credited what Don Calisto Ayala, his collecting agent, may appear to have received, so I declare it that it may be known. 53. Item—To Don Juan de la Garza, Monte Mayor & Co., what may appear on their book of accounts, deducting the payment that I have made, so I declare it that it may be known. 54. Item—I owe Don Francisco Machuro thirty dollars or thereabouts, so I declare it

that it may be known. 55. Item—I owe Don José Antonio de Leon thirty dollars, a little more or less. 56. Item—The book-keeper of Don Manuel de la Torre fifteen dollars. 57. Item—I owe lieutenant Don Francisco Balli seven dollars. 58. Item—I owe Don Miguel Chapa three dollars, so I declare it that it may be known. 59. Item—Beniti Bezendez, three reals; Don Manuel de la Fuente, I mean Don Andres de la Fuente, twenty-four dollars; Francisco Salinas, three dollars; Don Felipe, forty dollars, on a promissory note of mine that he holds; Don Pedro Ignacio Garcia, forty-three dollars, so I declare it that it may be known. 60. Item—I owe my sister, Doña Javiera de la Garza, what it may appear to amount to in my schedule of partition, so I declare that it may be known. 61. Item—I owe Don Cayetano Medrano twenty-seven dollars four reals, and a mule two years old, that I gave him for the holy sacrament. 62. Item—I declare that I owe to St. Joseph two voluntary masses, I declare it that it may be known. 63. Item—I declare, that in the low grounds belonging to the Cautu family, there is with my stock a black mare of the brand of Don Matias Ramires, together with a black mule which has strayed off, and a filly two years old, without my brand, all of which I have bought, I declare it so that it may be known.

64. Item—I order that two hundred sheep, I mean goats, that are in my possession, belonging to Don Domingo Guerra, be paid for, together with also, the interest for four years, which I declare that it may be known. 65. Item—I owe the aforesaid Don Domingo Guerra a mule colt, grown, and another a year old, a pair of new saddle cushions, some arms, and a pair of boots, which I declare, that it may be known. 66. Item—Agustin Lopez owes me a drove of twenty-five mares and a stallion, with besides twenty-five dollars that I paid for him, so I declare it, that it may be known. 67. Item—I declare that there is due me from the estate of the deceased Don Manuel Ramires, five she mules and a mare all grown, which I lent him, which is well known to Antonio de la Garza, alias Mairssal, which I declare, that it may be known. 68. Antonio Anda owes me two draught horses, so I declare it, that it may be known. 69. Item—I order that after the debts, funeral, burial, and forced legacies (mandas fuzosas,) have been paid, that the rest of my property be applied in favor of my wife, D^{a} Francisca Cavazos, whom I appoint, and whom it is my will should be my heir, to have, possess and enjoy all that belongs to me, except the fifth, which it is my will to leave for her benefit to my niece, Maria Josefa Cavazos, whom I have brought up from a child, all of which I declare, that it may be known. 70. Item—I declare that for the fulfilment of this my testament, that it is my last will to appoint executors to take possession of all my property, and I appoint as such in the first place, the bachelor Don Nicolas Balli; in the second place, the aforesaid Doña Francisca Cavazos, my wife; and in the third

place, Don Blas de la Garza Falcon, whom I charge as such my executors and trustees, to keep, comply with, and execute my said testament, according and in the manner prescribed in it, by its clauses, within the restrictions of the law, and for all the afore stated pertinent and proper purposes, I confer upon them all my power and authority, as far as may be requisite and necessary, and for its greater validity and binding force, I have asked the commandant of this department to interpose his authority and judicial decree, so far as may be necessary; and I the aforesaid commandant of this frontier, Don Vicente Lopez de Errera, by the lawful appointment of the commandant of the militia, Don José Francisco Balli, Chief Justice of the town of Reynosa, and its district, complying with the obligations of my duty, caused three respectable citizens to be present for the greater validity of this will, to serve as instrumental witnesses, they being Don Cayetano Giron, Don Calisto Ayala, and Don Blas de la Garza Falcon, all of this neighborhood, who have signed with me the attesting officer, and my assisting witnesses, with whom I act as examining Judge, for want of any Notary, there being none within the limit which the law prescribes, in this new settlement of our Lady of Refugio, on the fourth day of the month of May, one thousand eight hundred and two. I certify.

VICENTE LOPEZ DE HERRERA.

BLAS MARIA DE LA GARZA. JOSE CAYETANO GIRON.
CALISTRO DE HAYADA. BLAS MARIA FALCON.

Assisting witness, Assisting witness,
Cayetano Medrano. José Vicente Lopez.

On the said day, month and year, I, the aforesaid Chief Justice above stated, for the entry of this will, on official paper, for the want of a notary, there being none in all this country, have affixed this certificate as proof thereof, which I certify as far as I can, and ought, and as the law permits me, reserving the rights of the Royal Treasury, that without prejudice to it this sheet may have the same effect as that of a corresponding stamp, (como el de parte), since the urgency of the danger of the sickness of the grantor does not permit longer delay; all which I testify, and confirm, signing with my assisting witnesses, as an examining tribunal, as has been said.

VICENTE LOPEZ DE HERRERA.

Asst. wit., Asst. wit.,
José Vicente Lopez. Cayetano Medrano.

This corresponds with the will which exists in the public archives of this town, under my charge; it is faithfully copied, corrected, and compared, and the citizens, Antonio Dominguez, George Cavazos, and Felisde Leon, were instrumental witnesses in seeing it copied; it was copied on the petition of Don Blas Maria Cavazos,

on account of the interested parties; it is comprised in seven stamped leaves, the first and last of the second seal in conformity with the law. So I certify, and sign with my assisting witnesses, for want of a notary, there being none, according to the law. I certify this, the eighth of February, eighteen hundred and thirty-three, in testimony of the truth.

J. ANTONIO LEAL DE LEON.

Asst. wit., Manual de la Viña.

Asst. wit. Rafael Parientas.

Copy of the Testament of Don Blas Maria de la Garza.

The following document or copy of will was offered in evidence by the complainants at the hearing, and objected to by defendants as incompetent evidence. The same special objections were made to the same as were made and are endorsed on the copy of the testament of Doña Maria Gertrudis de la Garza Falcon, read in evidence by complainants. The same were overruled by the court, and the said document or copy read in evidence by complainants. The same were overruled by the court, and the said documents or copy read in evidence by complainants.

JAMES LOVE, *Clerk.*

Testimonio del Testamento de D. Blas Maria de la Garza. Le sais hay 8 de Febreas, de 1833.

E.

Sello Segundo. Para los años.	Libertad.	Doce Reales. de 1833 y 1834.

En el nombre de Dios todo paderosa y de la Virgen Maria Sñ'a nuestra, concevida sin pecada original desde el primer instante de su purissima ser. Amen. Sepaze y sea, notorio de tedos, como yo D. Blas de la Garza, natural de la villa de Camargo, y Alferes de la Compañia de Milicia de otra Villa por sa Mag'o Q. D. G. en esta Coloni del Nuevo Santander, y vecino de esta costa Jurisdicion de la villa de Reynosa; hijo legitimo de D. José Salvador de la Garza y Dª Gertrudis de la Garza Falcon ya difuntos: hallandome enfermo en una cama y asido Dios servido enviarme, estando en mi entero jincio y entendimiento, natural creyendo como créo, en el miterio de la Santissima Trinidad, Padre hijo, y Espiritu Santo tres personas distinctas y un solo Dios verdadero todo poderoso, tambieno creo en la encarnacion del Divino Verbo en las Purisimas entreñas de Maria siempre Virgen y en todos las demas misterios que tienc cre y confieza nuestra Madre la Santa Iglesia, Catolica, Apostolica, Romano, en cuya Fé y crencia he vivido y protesto vivir como Catolico Apostolico Romano en el inestimado precio de la preciosisima sangre de Nuestro Señor Jesucristo, Temiendo como temo la muerte que es natural a todas criatura, no me coja de impro-

viso, y deseando salvar mi alma, elijo y nombro por mis patronos y abogados y intercesores en el Tribunal de Dios endonde tengo de irme para dar cuenta de mi vida; la castissima Virgen, al gloriosa Patriarca el Sñ. Dn. Josć, al arcangel Sñ Miguel, Santo de mi nombres decicion de todos los Santos de la corte del cielo para que llegoda la hora de muerte, y salido mi alma de mi cuerpo la lleva desta mundo al seguro puerto de mi salvacion donde espero interceda per alla, porque es mi deseo y quiro que mi alma se salve ordeno y ago este mi Testamento en la forma sigiuiente. 1. Primeram'te Mando mi alma á Dios Nuestro Sr. J. C. la crio, redimio com el misterrable preci de su Santissima Sangre, y pido a su magestad la lleve a su gloria para donde fue criada, y mi cuerpe mando a la tierra pues de ella fue formada. 2. Item—Mando que mi euerpo sea amontajado en el avito de N. P. Sn. Francisco y mi entierra sea mayor, aunque humilde y sin pompa.

3. Ytem—Mando q. mi enerpo sea sepultado en la Yglesia en esta costa cerca de la primer grada, ó en donde mi caja el mal de la muerte. 4. Ytem—Declaro habar sido casado y velado segun el orden de N. M. la Santa Iglesia con Da. Francisca Cavazos, de cuyo matrimonio no emos tenido sucesion de hijos en el temino de diez años que llebamos de casados, y menos fuera de el heredero forzazo, asi lo declaro para que consta. 5. Yt.—Declaro que cuando contrage el precitado matrimonio con mi esposa Da. Francisca Cavazos, no introdije cosa alguna que mi herencia por

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parte paterna quedo inclusa en la casa de la Sña. Madre con la parte q. adicho Sña. le tocó, y á su fallecimiento que fue al año poco mas a menos a la muerte del Sr. mi padre aun se hallaban mancomunados estos vienes, es decir la parte Paterna mia con la correspondiente a d'ha Sña. respeto al poder Gñal que esta se ñora no tenia, conferido haviendo fallecido como dicho es, mucho tiempo hace, jamas he podido conseguir con sus Albaseas el finiquito de sus encargos. Asi lo declaro para que conste. 6. Yt.—Que de todos los precitados vienes de la casa materna en que se hallaban inclusos los q. me pertenecian por parte paterna, desde el Fallecimto de la Sña mi madre hasta esta fha, tengo recevido dos cajos, un almires, un relicario de cera de agnus allmado de oro, sin haber percevido otra cosa que declaro para constancia. 7. Yt.—Declaro que cuando contrage el matrimonio arriba espueto con mi Esposa Da. Francisca Cavazos se me entrego de su Tutela cuarenta y cinco Yeguas, seis Petrancas de dos años, des Burros mansos, un Caballo manso, tres potros de edad capones, seis dichos de dos años enteros, quinze Potrillos y Potranquitas de errar, dos Caballes para padres, Diez vacas y cuatro Foros que declaro para que consto. 8. Yt.—Declaro por

mi vienes sies manadas de Yeguas las cinco Aburrados, y la una de Caballo algo deterioradas, y menos cabadas, y todo lo demas q. se encuentra marcido de mi Yerro y marca. Asi lo declaro para que conste. 9. Ytem—Declaro por vienes mios Catorce Cavallos mansos, y todos los demas q. encuentran de mi yerro, en mas otro Caballito Rusio del heirro de D. Pablo Villareal que le regalaron a mi Esposa, y no tiene mi heirro, q. declaro pa. que conste. 10. Yt.—Declaro por mis vienes, varias mulas de dos años sin frirro q. por mis soledad no se han podido herrar. Asi lo declaros para que consta. 11. Yt.—Declaro por mis vienes trese ó catorce mulitos de año, orejanos sin hierro q. por el mismo motivo arriba espusto no se han herrado que declaro para que conste. 12. Yt.—Declaro por vienes mios tres mulas los dos Cerreras, y la una quebrantada. Asi lo declaro para que conste.

13. Yt—Declaro por vienes cuatro Burras mansos, pues aung las Manadas Aburrados son cinco dos los attende un burro, y los los demas cada una tiene el suyo q. declaro para q. conste. 14. Yt.—Declaro por mis vienes quatro Burras y los demas q. parescan de heirro y señal, para que conste Declarado. 15. Yt.—Declaro tener en poder de Francisco Peña cuatrocientas Cabesas de Ganado menor de Pelo y lana de todos clases y edades, con el trato de pagar le tres pesos cada mes arrimado, al suyo q. por este motivo como en mi Agostadero sin pagar renta alguna y va para dos años q. lo tiene en su poder y para q. conste asi lo decloro. 16. Yt.—Declaro tener otras treinta o cuarenta Cabesas de Ganado Menor de todas especies y edades on mi casi. Asia lo declaro para que conste. 17. Ytem—Declaro por vienes mios tres yuntas de Bueyes operadas, inco Bacas chichihuhitas pues aunque son seis la una tengo destinada a mi sobrina Maria Josefa Cavazos. Asi lo declaro para que conste. 18. Yt.—Declaro por vienes, todo lo q. huviere de mi hierro y señal perdido y mostrenco para que se agreguen al cumulo de mis vienes, como tambien la parte que me corresponde del Ganado Bacuno q. esta indomestno, y la del Agostadero del Espiritu Santo en dondo se halla h'ho ganado, Asi lo declaro para que conste. 19. Yt.—Declaro por vienes mios los tierras de Sombreretillo, pues aunque los titulos de ellas se hallan entre los papeles de la casa mortina se use adjudicaron por los Albaseas con tal que pagará cuatrocientos ps. a varios acrecdores de la casa uno en efecto los pragué: que declaro para que coneste. 20. Yt.—que amas de los cuatrocientos pesos arriba declarados, he satisfecho otras cien pesos a los demas acrehedores que tenia la casa y a mi se me han pagado por los citados Albaseas con un quadro de Sr. Sn. Jose, que se halla en poder de mi hermana Dña. Xaviera de la Garza y otras menudencias, con lo q. quedo satisfecho del total de Quienentos pesos que ne correspondian de las dependencias de la casa Mortoria. Asi lo declaro para que conste. 21. Yt.—Declaro por vienes mios un Jacal en tierras q. mi assignaron de mi pertenencia los ya citados Albaseas y en el Asuela

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gurvia otra derecha, un cepillo, un Asadon,, tres Achas, la una se hallará en poder de Pedro de la Garza, tres Gatos rejas. 22. Yt.—Declaro por vienes mios toda la ropa de mi uso que paresiere en la casa de mi morada. Asi lo declaro para que conste. 23. Yt.—Declaro por vienes mios mi Caballo ensillado, y enfrenado, con cuera, adarga, larnza, escopeta, una Pistola que se halla en poder de Alferas Inojosa, y la Cartuchera Asi lo declaro.

24. Yt.—Declaro por mis vienes una Yegua Chapencea con un atacho de dos años con el heirro de D. Felipo en una manada de Rusias de Pedro Prieto, y un mulito orejano, de los q se erraron el año pasado, todos hijas de d'ha Yegua. Asi lo declaro. 25. Yt.—Declaro por mis vienes en un atajo mostronco de un Cabello de D. Pedro Prieto, una Yegua Canela, con un macho colorado con el hierro de D. Juan de la Reinega que tanpoce yo no he entregado, ni menos el de arriba, los vio *mamar* alas Yeguas D. Domingo Guerra. y al ultimo su caporal tambien, asi lo declaro para que conste. 26. Yt.—Declaro que en el atajo de las rindas anda una mula del fierro de D. Franco. Cordienter q. le rendo Victoriano Ramires marcadu en la quijada con el hierro de D. Anto. Ximenes mia propria y la conoce Fran'o Treivino, y Dionisio Peres. Declaralo para constancia. 27. Yt.—En una manada de D. Pedro Prieto anda una Yegua Sebruna con un mulito q. va dos años y de la misma Yegua me debe d'ho mi ermano D. Pedro una mula de dos años q. va a tres.

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Declaralo asi para que conste. 28. Yt.—En una manada del prisitado D. Pedro handa una Yegua colorada del fierro de D. Joaquin Gonzales el del Pilon que tambrien es mia. Asi lo declaro para que conste. 29. Yt.—En mi poder de Reyes tengo dos yeguas, la una mansa, y la otra Guerrera, y yo lo debo cinco ps. en pago de una manada que me debe entregar, aquerenciadas de mostrencas que para este fin le di, y han proqueado onse crias. Asi lo declaro para que conste. 30. Yt.—En poder de D. Matias Ramires toda la renta q hubiere cansado desde que me hiso escritura de arrendamento hasta esto año q. las saco me esta deviendo esta renta, la escriture dira lo que fuere. Asi lo declaro para que consto. 31. Yt.—Declaro q. D. Matias Ramires ademas de la clausula de arriba me debe una Yegua, asi lo declara para que conste. 32. Yt.—D. Juan de la Garza Monte Mayor me debe al arrendamento al las tierras en que agosta su ganado menor que no baja de tres mil cabesas, pagará por el arrendam'to lo que cristianam'to digere. Asi lo declaro para que conste. 33. Yt.—D. Domingo Guerra debe la renta de seis ó sieto años que se mantuvo mis tierras sin escritura, que se le cobrara con arreglo a lo acustum-

brado. Asi lo declaro para que conste. 34. Yt.—Declaro que D. Domingo Guerra me debe mas unas Reses que a matado en mi Agostadero, un Caballo de dos Riendas entero q. echo en una manada suya. Asi lo declaro para que conste. 35. Yt. D. Crisostomo Longoria me debe lo qe. quiera dar voluntariamente de renta per tres años q. mantuvo sus reses en mis tierras, y dose ps. que me quedo a pagar por D. Margie Cano. Asi lo declaro para que conste.

36.—El cabo D. José Anto. Cisneros mi debe cuatro reses que importan diez, y seis ps. y tres aparejos a siete pesos acen veinte, un pesos. Asi lo declaro para que conste. 37. Yt.—Nepomucemo Cisneros mi debe cinco reses a cuatro ps., son veinte ps., segun el mismo declara. Asi lo declaro para que conste. 38. Yt.—Los Señores Baillies á recepcion del So. Capitan q. me ha pagado, las reses que tuvieron percibidas por declaracion de sus Caporales y Baguenos habonada un bale que tiene el Sr. Br. lo restante se debrará. Asi lo declaro para que conste. 39. Yt.—Un moso llamado Julian Guerra me salio deviendo en ajuste de sur cuenta Noventa, y dos pesos. Asi lo declara para que conste, y los pague á la Sra. Da. Rosa. 40. Yt.—Un viejo saldirao de Cadareita me deve un par de mulitos que le preste en catorceo ps. Asi lo declaro para que conste. 41.—Juan Peres cuaranta y ciete ps., segun el libro de caja. Asi lo declaro para que conste. 42. Yt.—Juan Moya de Cadareita debe un par de mulitos en catorceo ps., y una Yegua mansa en seis ps. de dos riendas. Asi lo declaro para que conste. 43. Yt.—El difunto Francisco Quivoa me debe sieta yeguas, asi lo declaro para constancia. 44. Yt.—Bernardo Cano, diez y siete yeguas que lo presté para q. pagará. Asi lo declara para que conste. 45.—Mas se me debe lo q. consta por una lizta que me tiene presetada D. Antonio Gutierrez de los sugetos que en ella constan que se se los cobrará a cada uno lo q. les corresponde pues que se los dio de mi cuenta. Asi lo declaro para que conste. 46. Yt.—Don José Antonio Ramires me debe un burro maero, y una mula edad. Asi lo declara para que conste. 47. Yt.—El negro Matias Gonzales me debe lo que constan que le pague al So. Br., D. Nicolas Balli por el, asi lo declaro para que conste. 48. Yt.—Mariano Recio me debe un caballo de rienda en diez ps. Asi lo declaro para que conste. 49. Yt.—D. Miguel Barrera, de Serralvo, un caballo de rienda en dicz ps., asi lo declaro para que conste. 50. Yt,—Un platero de Montery llamado, Juan Antº Gomez, me debe cinco marcos de plata, cinco honsas, y un caballo de falsa rienda en cinco ps. Asi lo deelaro para que conste. 51. Yt.—Debe seis ceintos peses de la finca de Sr. San José de Camargo de cuyas reditos estoy asi mismo deviendo noventa y un peso. Asi lo declaro para que conste. 52. Yt.—Debo a D. Juan de la Reynega lo que constare por el libro de caja. Asi lo doclaro para que conste—otro—si que se deberá abonar lo q. conste tener recivido D. Calisto Ayala ser cobrador.

Asi lo declaro para que conste. 53. Yt.—A D. Juan de la Garza, Monte Mayor y compania lo q. constaré en su libro de cajo reba-

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jando los abonos que tengo dados. Asi lo declaro para que conste. 54. Yt—A. D. Fran^{co} Machorra debo trienta y tantos pesos. Asi lo declaro para que conste. 55. Yt—A. D. José Antonio de Leon, debo trenita pesos poco mas o menos. 56. Al cajero de D. Manuel de la Torre quinze p^{s}. 57. Yt.—Al teniente D. Fran^{co} Balli debo siete pesos. 58. Yt—A Don Mig^{l} Chapa debo tres pesos, asi lo declaro para que conste. 59. Yt—A Benito Rosendas tres p^{s}. a D. Manuel de la Fuente digo ais Andres de la Fuente veinte y cuatro ps. por un vale que tiene mio, a D. Pedro Ignacio Garcia cuarenta y tres pesos, asi lo declaro para que conste. 60. It a mi hermano Da. Javeira de la Garza debo lo q. conste alcansar me en mi hijoreta de Particion, Asi lo declaro para que conste. 61. It.—A D. Cayetano Medrano debo veinte y siete ps. cuatro rs. y una mula de dos añas que le di para el santissimo Sacramento. 62. Yt.—Declaro deber al Sr. San José dos misas resadas lo declaro para que conste. 63. Declaro que en las Vayas Contumeñas de mis manadas esta una Yegua prieta del fierro de D. Matias Ramietes con una petrocaa de dos añas sin mi hierro, que todo tengo comprado, Declarolo para que conste. 64. Yt.—Mando que doscientos (obejas) Digo Cabras que estan en poder de Don Domingo Guerra, se le paguen a mas los reditos de cuatro anos que declaro para que conste. 65. Yt.—de

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ser le al citado D. Domingo Guerra un Macho de edad y otro de año, sur par de Coginillos nuevas, unas armas, y un par de botas que declaro para que conste. 66. Deber me Augustin Lopez una manada de venite y cinco Yeguas, y un Cavallo padre, un mas veinte y cinco pesos que pague per el. Asi lo declaro para que conste. 67. Yt.—Declaro deber me de los vienes del Difunto D. Manelo Ranires cinco bestias mulares hembraes y una Yegua bue les peesto todo de toda edad lo que consta a Ant'o de la Garza, alias Maviseal, que declaro pa. que conste. 68. Ant'o Anda me debo dos Caballas de dos riendas asi lo declaro para que conste. 69. Mando que pagadas las deudas, Funeral, entierro, y mandas forzozas el remainente de mis bienes se apliquen a fabor de mi esposa Da. Fran'ca Cavajos a quien nombro y es mi voluntad sea mi heredera para que haya, disfrute y logre todo cuanto a mi pertenesca eceptuando el Quinto q. es mi voluntad dejar lo para su beneficio a mi sobrina Maria Josefa Cavajos a quien he criado desde chica. Asi lo declaro para que conste.

70. Yt.—Declaro q. para el cumplimiento de este mi testamento es mi ultima voluntad nombrar Albaseas tenedores de vienes, y nombro para que lo sean en primeo lugar al Señ. Br. D. Nicolas Balli en segundo lugar a la preistada Da. Francisca Cavazos, mi eesposa, y en tercer lugar, á D. Blas de la Garza Falcon, a quien encargo como mis tales albaseas Fidei comisarias guarden, cumplan y ejecuteu d'ho mi testamento segun y como en el secontien por sus clausulus en el termino act Doñ. que para todo lo huello aneseo, serviente y combeniente les confiero todo mi poder y facultad cuanto se requiere y necesario fuere; y para ser mayor validacion y firmesa rogué al teniente de este partido interponga su autoridad y Judicial secreto cuanto necessario sea; y yo el precitado Teniente en esta costa D. Virento Lopez de Errera por legitimo nombramiento del Teniente de Milisias D. José Francisco Balli, Justicia Mayer de tla villa de Reynosa y su Distrito cumpliendo con los deberes de mi obligacion hice comparecer a tres vecnos hemados para la mayor validacio de este Testamento, para que sirvieran de testigos nistrumentales siendo lo D. Cayetano Giron, D. Calixto Ayala, y D. Blas de la Garza Falcon todos de esta vecindad que firmaron conmigo, el otorgante, y los de mi asistencia con quienes actuo como Juez Receptor a falta de toda escribano q. no le hay ni en el termino que previena el Dñ. en esta Nueva Poblacion de N. Sra. de Refugio a cuatra dias del mes de mayo de mil ochoientos dos años, Doy Fé—Vicente Lopez de Herrera—Blas Ma. de la Garza—José Cayetano Giren—Calistro de Hayala—Blas Maria Falcon—de assa. Cayetano Marano—de assa. José Vicente Lopez—En dicho dia mes y año. Yo el precitado Teniente de Justicia Mayor arriba espresado, para lo proseaniron de este Testamento en papel de oficio a falta de todo Escribano de parte que no lo hay en todos estos centornos, puse esta certificacion para constancia loque certifico encuants puedo debo y el Dro. me permite aejando a salvo de *Reravis* para que sin en perjuicio valgo este pliego como el de parte, pues la urgencia de la grabedad de la enfermedad del otorgante no permite mas dilacion de tpo: todo loque certifico y doy fé firmando lo con los testigos de mi assa. actuando por receptoria como d'ho es—Vicente Lopez de Herrera—de assa. José Vicente Lopez—Cayetano Medrano.

Cacuerda un la dispocion Testamentario que otra el el Archivo publico de esta villa que es a mi cargo *va Trelmonte* sacado corregida y concordado y al verbo sacar fueron instrumentales los cinidadanos Antonia Domingnez, George Cavazas, y Felis de Leon, se sacó a peticion de D. Blas Ma. Cavazos por encargo do las partes interesadas va en siete fojas utiles, primera y ultima del Sello 2d conforme a la Ley asi lo certifico y firmo con los de mi assa. con quienes actuo por impia de Escribano que no lo hay

segun el Dro. doy Fé, hoy 8 de Febrero de 1833.—En testimonio de berdad.

J. ANTONIO LEAL DE LEON.

Assa. Assa.
Manuel de la Viña. Rafael Parientes.

Importa los D'ras Indiciales un Registro de Archivo Doze ps. lo q. para constancia amto y Rubrico.

This document was annexed to the deposition of Santiago Dominguez, from Camargo and was withdrawn by leave of Court.

JAMES LOVE,
Clerk U. S. District Court, District of Texas.

Same objections taken by the defendants to all the written depositions as were taken to package No. 9, and overruled by the Court and read in evidence by complainants.

JAMES LOVE, *Clerk.*

Further Endorsement.

Da. Franca. Cabazos.

DISTRICT COURT OF THE UNITED STATES } *District of Texas,* }

I, James Love, clerk of the District Court of the United States for the District of Texas, certify that the foregoing sixteen pages contain a true and perfect copy of document *E.* originally filed in the Chancery case, No. 41, Rafael Garcia Cavazos, et als., *vs.* Charles Stillman, et als.: Which original is withdrawn by leave of Court and this copy filed in its stead.

In testimony whereof I hereunto set my hand and affix the SEAL] seal of said Court, at Galveston, this fifth day of August, in the year of our Lord one thousand eight hundred and fifty-four.

JAMES LOVE, *Clerk.*

Translation of the Testament of D. Blas Maria de la Garza.

DISTRICT COURT OF THE UNITED STATES, } *District of Texas.* }

RAFAEL GARCIA CAVAZOS *et als.* }
v. }
SIMON MUSSINA. }

RAFAEL GARCIA CAVAZOS, and others }
vs. } In Chancery.
CHARLES STILLMAN and others. }

Translation of the Testament of D. Blas Maria de la Garza, filed in the last of the above entitled causes, and to be offered in evidence in both, on the part of the plaintiffs.

In the name of Omnipotent God, and of our Lady, the Virgin Mary, conceived without original sin from the first moment of her purest existence. Amen. Be it known and notorious to all, that I, D. Blas de la Garcia, a native of the town of Camargo, and ensign of the company of militia, (by the commission of his Majesty, whom may God preserve,) for the said town in this colony of New Santander, and resident of this frontier, in the jurisdiction of the town of Reynosa, legitimate son of D. José Salvador de la Garza, and of Doña Gertrudis de la Garza Falcon, now deceased. Being unwell and confined to my bed with a sickness which it has pleased God to send me; being in my perfect natural judgment and understanding, believing, as I do believe in the mystery of the most holy Trinity, Father, Son, and Holy Ghost, three distinct persons, and one only God, truly Omnipotent: I likewise believe in the incarnation of the Divine Word, in the purest womb of Mary, always a Virgin, and in all the other mysteries, which our Mother, the Holy Roman Catholic Apostolic Church, by the inestimable price of the purest blood of our Lord Jesus Christ, fearing as I do, that death, which is the common lot of all created beings, may come upon me unawares, and desiring to save my soul, choose and name as my patrons, and advocates and intercessors before the Tribunal of God, where I am to appear to give an account of my life, the most Holy Virgin, the glorious Patriarch St. Joseph, the Archangel, St. Michael, saint of my name and devotions, and all the saints of the court of Heaven, that when the hour of my death shall come, and my soul shall leave my body, they may transfer it from this world to the safe harbor of salvation, where I hope they will intercede for it, for it is my desire and prayer that my soul may be saved; I ordain and make this my will in the form and manner following:

1. Item—I commend my soul to God our Lord, who created it, and redeemed it with the inestimable price of His blood; and I beseech His Majesty to raise it to His glory, for which it was created; and my body I commit to the earth, since it was formed from it. 2. Item—I order my body to be laid out in the grave-clothes prescribed by our Seraphic Father, St. Francis, and that my burial be of the first class, though humble and unostentatious. 3. Item—I order that my body be buried in the church of this frontier, in which the pains of death seized me, and near the first step of the altar. 4. Item—I declare that I have been married, according to the canon of our Mother, the Holy Church, to Doña Francisca Cavazos, by which marriage we had no issue during the entire continuance of our marriage, for ten years, and having no forced heir out of it: so I declare that it may be known. 5. Item—I declare, that when I contracted the aforesaid marriage with my wife, Da. Francisca Cavazos, I introduced nothing therein on account of my paternal inheritance being included in the

estate of my mother, together with the portion that belonged to her; and at her death, which was a little before or after the year of the death of my father, this property, that is to say, my paternal inheritance, together with that belonging to her, was still held jointly, in consequence of the general power which she had conferred on me; but she having died, as has been stated, a long time ago, I have never been able to obtain from her executors the settlement of their accounts: so I declare, that it may be known. 6. Item—That of all the aforesaid property belonging to the succession, in which was included that coming to me on my father's side, I have received since the death of my mother, and up to this date, two chests, a mortar, a reliquary of wax, a gold Agnes, and I have received nothing else, as I declare for proof thereof.

7. Item—I declare that when I contracted the above stated marriage with my wife, D^{a} Francisca Cavazos, her guardian delivered to me forty-five mares, six fillies two years old, two jackasses, one gentle horse, three geldings, six colts, two years old, fifteen foals and fillies, branded, two stallions, ten cows, and four bulls; which I declare, that it may be known. 8 Item—I declare, as my property, six droves of mares, five with a jack, and one with a horse, somewhat inferior, and all the others that are running wild with my branded mark; so I declare, that it may be known. 9. Item—I declare, as my property, fourteen gentle horses, and all the others of my brand, together with another little grey horse of the brand of Don Pablo Villareal, which was presented to my wife and has not my brand, which I declare, that it may be known. 10.—I declare, as my property, several mules, two years old, not branded, which, for want of assistance, I have not been able to brand; I so declare, that it may be known. 11. Item—I declare, as my property, thirteen or fourteen young mules a year old, ear marked, but not branded, which have not been branded for the same reason above stated, as I declare, that it may be known. 12. Item—I declare, as my property, three she mules, two wild, and one broken; I so declare it, that it may be known. 13. Item—I declare, as my property, four jackasses; since, though, the droves with jacks are five in number, one jackass supplies two, and each one of the others has its own, as I declare, that it may be known. 14. Item—I declare, as my property, four jennies, and the others with my brand and mark. I declare it, that it may be known. 15. Item—I declare that I have in the possession of Francisco Peña, four hundred head of goats and sheep of all classes and ages, with the agreement to pay him three dollars a month for them, in company with his own, which, for this consideration, may graze in my estate without paying any rent; that it is now about two years since he has had them in his possession, and I so declare it, that it may appear. 16. Item—I declare that I have some thirty or forty other head of small

stock of all kinds and ages, at my residence; I so declare it, that it may appear. 17. Item—I declare, as my property, three yokes of working oxen, five cows from Chichihuhita, since, though, there are six, I have destined one for my neice, Maria Josefa Cavazos, so I declare it, that it may appear. 18. Item—I declare, as my property, all the stock of my brand and mark lost, and running wild, that it may be added to the total amount of my property, as likewise the part of the wild cattle belonging to me, and my part of the estate of Espiritu Santo, in which there is another stock, so I declare it, that it may be known. 19. Item—I declare, as my property, the lands of Sombreretillo; since, although their title deeds are among the papers of the succession, they have been adjudged to me by the executors with the condition that I pay four hundred dollars to various creditors of the estate, as I have in fact done; which I declare, that it may be known.

20. Item.—That besides the four hundred dollars above stated, I have paid a hundred dollars besides to the other creditors of the estate, and this sum has been paid to me by the aforesaid executors, together with a painting of St. Joseph, which is in the possession of my sister, Da. Xaviera de la Garza, and other small articles, by which I am satisfied in the total amount of five hundred dollars, coming to me from the personal effects of the estate. I declare it, so that it may be known. 21. Item.—I delare as my property a house in the lands that the aforesaid executors have assigned to me as my inheritance, and in it one curved adze, one straight, a plane, a pickaxe, three axes, of which one is in the possession of the servant boy of Don Crisostomo, and the other in the possession of Pedro de la Garza, three crowbars. 22. Item.—I declare as my property all my wearing apparel at my residence. I so declare it that it may appear. 23. Item.—I declare as my property a horse-saddle and bridle, with a leather jacket, shield, lance, musket, a pistol that is in the possession of Ensign Inojosa, and a cartridge box: so I declare it. 24. Item.—I declare as my property a mare, with a mule colt, two years old, with the brand of Dn. Felipe, in a drove of jennies belonging to Dn. Pedro Prieto, and a young ear-clipped mule, belonging to those that were branded last year, all colts of the said mare: so I declare it. 25. Item.—I declare as my property, a wild colt of a horse of Dn. Pearo Prieto, a cinnamon colored mare, with a bay mule colt of the brand of Dn. Juan de la Reinega, which I have not delivered, nor that above stated; Don Domingo Guerra, and lately his stockkeeper saw them sucking the mares: I likewise so declare it that it may appear. 26. Item—I declare that among the drove of pack mules belonging to the widows, there is a mule with the brand of Don Francisco Cordentes, which Victoriana Ramires sold him, marked on the cheek with the brand of Don Antonio Ximenes, and this is my own property, and Francisco Treviño and Dionisio Perez know it: to be such I declare it for proof thereof.

27. Item—In a drove belonging to Don Pedro Prieto there is a chestnut mare, with a mule colt, which is going upon two years, and my brother Don Pedro owes me a female mule from the same mare, two years old going on to three: I so declare it that it may appear. 28. Item—In a drove of the aforesaid Don Pedro there is a bay mare of the brand of Don Joaquin Gonzales of Pilon, which is also mine: I so declare it that it may be known. 29. Item—I have in the possession of Reyes two mares, one gentle and the other wild, and I owe him five dollars, in payment for a drove which he is to deliver to me, accustomed to a particular range, out of wild horses, that I had given him for this purpose, and they have had eleven foals: so I declare it that it may be known.

30. Item—In the possession of Don Matias Ramires, all the rent that has become due, since he took a lease from me to this year —he is still owing me this rent, the lease will show its amount, I so declare it that it may be known. 31st. Item—I declare that Don Matias Ramires, besides what is stated in above clause, owes me a mare so I declare that it may be known. 32. Item.—Don Juan de la Garza, Monte Mayor, owes me rent for the lands upon which he pastures his small stock, which is not less than three thousand head, he will pay me as rent, what as a christian he will say is right, so I declare it, that it may be known. 33. Item—Don Domingo Guerra, owes me rent for six or seven years, that he has lived on my land without a written lease, which shall be recovered from him according to the usual terms. I so declare it, that it may be known. 34. Item—I declare that Don Domingo Guerra, owes me several beeves that he has killed on my estate, and a stallion that has taken up with a drove of his, so I declare it, that it may be known. 35. Item—Don Crisostomo Longoria, owes me what he may be willing to give voluntarily, for rent for three years, that he has kept his stock on my land, and twelve dollars that he was to pay me by Don Magil Cano, so I declare it, that it may be known. 36. Item—The chief muleteer Don José Antonio Cisneros, owes me four beeves, that are worth sixteen dollars, and three pack saddles at seven dollars, together twenty-one dollars, so that I declare it, that it may be known. 37. Item Nepomuceno Cisneros, owes me five beeves at four dollars, together twenty dollars, as he himself states, so I declare it, that it may be known. 38. Item—The Ballis, that is with the exception of the Captain, who has paid me, owe me for the cattle that they have taken according to the statement of their managers, and stock drivers, and placing to their credit a promissory note, which the priest holds, the rest shall be collected, so I declare that it may be known. 39. Item—A servant named Julian Guerra, ran off, owing me on the adjustment of his account, ninety-two dollars, so I declare that it may be known, and that he may pay the same to Doña Rosa. 40. An old Saldivar from Cadareita,

owes me a pair of mules, which I lent him, valued at fourteen dollars, so I declare that it may be known. 41. Item—Juan Perez, forty-seven dollars, according to the account book, so I declare that it may be known. 42. Item—Juan Moya of Cadareita owes a pair of mules, valued at fourteen dollars, and a gentle mare used to work in harness, valued at six dollars, so I declare it, that it may be known. 43. Item—The deceased Francisco Quivoa, owes me seven mares, so I declare it for proof thereof. 44. Item—Bermardo Cano, seventeen mares, that I lent him on his promise to pay, so I declare it that it may be known.

45. Item—Also, there is due what appears on a list that Don Antonio Gutierrez has presented me from the persons stated in it, and the sum due from each shall be collected, since it has been given to them on my account, so I declare it that it may be known. 46. Item—Don José Antonio Ramires owes me a jackass and a grown mule, so I declare it that it may be known. 47. Item—The negro Gonzales owes me what it may appear I paid for him to the Bachelor Don Nicolas Balli, so I declare that it may be known. 48. Item—Mariano Recio owes me a riding horse at ten dollars, so I declare that it may be known. 49. Don Miguel Barrera of Serralvo owes me a riding horse at ten dollars, so I declare it that it may be known. 50. Item—A silversmith of Monterey, named Juan Antonio Gomez, owes me five mares and five ounces of silver, and a prancing horse at five dollars, I so declare it that it may be known. 51. Item—I owe six hundred dollars to the revenues of San José de Camargo, and I am also owing as interest upon this ninety-one dollars, I so declare it that it may be known. 52. Item—I owe to Don Juan de la Reynega what shall appear by his account books, so I declare it that it may be known. There must also be credited what D. Calisto Ayala, his collecting agent may appear to have received, so I declare it that it may be known. 53. Item—To D. Juan de la Garza, Monte Mayor & Co., what may appear on their books of accounts, deducting the payments that I have made, so I declare it that it may be known. 54. Item—I owe Don Francisco Machuro thirty dollars, or thereabouts, so I declare that it may be known. 55. Item—I owe Don José Antonio de Leon thirty dollars, a little more or less. 56. Item—The book-keeper of Don Manuel de la Torre fifteen dollars. 57. Item—I owe Lieutenant Don Francisco Balli seven dollars. 58. Item—I owe Don Miguel Chapa three dollars, so I declare that it may be known. 59. Item—Burito Besendez, three reals; Don Manuel de la Fuente, I mean Don Andres de la Fuente, twenty-four dollars; Francisco Salinas there dollars; Don Felipe forty dollars, on a promissory note of mine that he holds; Don Pedro Ignacio Garcia, forty-three dollars, so I declare it that it may be known. 60. Item—I owe my sister Doña Javiera de la Garza what it may appear to amount to in my schedule of partition, so I declare it that it may be known. 61.

Item—I owe Don Cayetano Medrano twenty-seven dollars, four reals, and a mule two years old, that I gave him for the Holy Sacrament. 62. Item—I declare that I owe to St. Joseph two voluntary masses, I declare it that it may be known. 63. Item—I declare that in the low grounds belonging to the Cautu family, there is with my stock a black mare of the brand of Don Matias Ramires, together with a black mule which has strayed off, and a filly two years old without my brand, all of which I have bought, I declare it so that it may be known. 64. Item—I order that two hundred sheep, I mean goats, that are in my possession, belonging to Don Domingo Guerra, be paid for, together with also the interest for four years, which I declare that it may be known. 65. Item—I owe the aforesaid Don Domingo Guerra a mule colt grown and another a year old, a pair of new saddle-cushions, some arms, and a pair of boots, which I declare it that it may be known. 66. Item—Augustin Lopez owes me a drove of twenty-five mares and a stallion, with besides twenty-five dollars that I paid for him, so I declare it that it may be known. 67. Item—I declare that there is due me from the estate of the deceased Don Marcelo Ramires, five she mules and a mare, all grown, which I lent him, which is well-known to Antonio de la Garza alias Mariscal, which I declare that it may be known. 68. Antonio Anda owes me two draught horses, so I declare it that it may be known. 69 Item—I order that after the debts, funeral, burial, and forced legacies (mandas fuzozas) have been paid, that the rest of my property be applied in favor of my wife Da. Francisca Cavazos, whom I appoint, and whom it is my will should be my heir, to have, possess and enjoy all that belongs to me, except the fifth, which it is my will to leave for her benefit to my niece Maria Josefa Cavazos, whom I have brought up from a child, all of which I declare that it may be known. 70. Item—I declare that for the fulfilment of this my testament, that it is my last will to appoint executors, to take possession of my property, and I appoint as such, in the first place, the Bachelor Don Nicholas Balli, in the second place the aforesaid Doña Francisca Cavazos, my wife, and in the third place Don Blas de la Garza Falcon, whom I charge as such my executors and trustees, to keep, comply with and execute my said testament, according and in the manner prescribed in it, by its clauses, within the restrictions of the law, and for all the aforestated, pertinent and proper purposes. I confer upon them all my power and authority, as far as may be requisite and necessary; and for its greater validity and binding force, I have asked the Commandant of this department to interfere his authority and judicial decree so far as may be necessary; and I, the aforesaid Commandant of this frontier Don Vicente Lopez de Errera, by the lawful appointment of the Commandant of Militia Don José Francisco Balli, Chief Justice of the Town of Reynosa and its District, complying with the obligations of my duty, caused three respectable citizens to be present for the greater

validity of this will, to serve as instrumental witnesses, they being Don Cayetano Giron, Don Calisto Ayala, and Don Blas de la Garza Falcon, all of this neighborhood, who have signed with me, the attesting officer, and my assisting witnesses, with whom I act as examining Judge for want of any notary, there being none within the limit which the law prescribes in this new settlement of our Lady of Refugio, on the fourth day of the month of May, one thousand eight hundred and two, I certify, Vicente Lopez de Herrera; Blas Maria de la Garza, José Cayetano Giron, Calistro de Hayada, Blas Maria Falcon; Assisting witness Cayetano Medrano; Assisting witness José Vicente Lopez; on the said day, month and year, I, the aforesaid Chief Justice above-stated, for the entry of this will in official paper, for the want of a notary, there being none in all this country, have affixed this certificate as proof thereof, which I certify so far as I can and ought and as the law permits me, reserving the rights of the Royal Treasury, that without prejudice to it, this sheet may have the same effect as that of a corresponding stamp, (como el de parte,) since the urgency of the danger of the sickness of the grantor does not permit longer delay; all which I certify and confirm, signing with my assisting witnesses as an examining tribunal as has been said, —Vicente Lopez de Herrera; assistant witness José Vicente Lopez; assistant witness Cayetano Medrano.

This corresponds with the will which exists in the public Archives of this town under my charge; it is faithfully copied, corrected and compared, and the citizens Antonio Domingo, George Cavazos, and Felis de Leon, were instrumental witnesses in seeing it copied; it was copied upon the petition of Don Blas Maria Cavazos on account of the interested parties; it is comprised in seven stamped leaves, the first and last of the second seal in conformity with the law. So I certify and sign with my assisting witnesses for want of a notary, there being none according to the law. I certify this the eighth of February, eighteen hundred and thirty-three. In testimony of the truth.

J. ANTONIO LEAL DE LEON.

Ass. wit., Manuel de la Viña.

Ass. wit., Rafael Parientes.

The other copy of the above Testament is identical with the exception of the certificate annexed, which is as follows:

This corresponds with the original, which exists in the Archives under my charge, which is faithfully and legally copied on ten legal leaves at the request of Doña Francisca Cavazos, and my assisting witnesses were witnesses at seeing it so copied; for want of a notary public, I certify—

BLAS MARIA CAVAZOS,

Ass. wit., Gerad'e Cavazos.

Ass. wit., Rafael Aleman.

I certify that the foregoing is a correct translation of the original, made under an order of the Court.

WILLIAM G. HALE.

Document marked D.

[The written document was offered in evidence by the complainants at the hearing of this cause, and was objected to by the defendants as incompetent evidence.

The special objections to same were taken, that it was not attached to, nor sufficiently described in the interrogatories. That it was not endorsed or sufficiently identified as the document proved, by the tribunal or officer taking the deposition. That the validity of the original is not shown. That this copy is not proved so as to be admissible in evidence. That the same is not competent evidence and does not tend to prove any material fact; all of which objections were overruled and the said document read in evidence by complainants.

JAMES LOVE, *Clerk.*]

Sello Tercero, Dos. Reales,

Para los años de. 1835 y 1836.

Cuidadano Juan Prado, Alcalde segundo Constitucional de esta ciudad y su jurisdicion.

Los arrendatario de los parages nombrados Rancho Viejo Jurretada, Mesquite y Rancho Viejo que hasta ahora la han sido de Dn. Juan Tijerina se entenderan en lo successivo para el pago de sus rentas con los herederos de Da. Francisca Cabazos en conformidad de la final resolucion espresada en los autos que han seguido en mi Jusgado y de la cual se ha franqueado testimonio á Don Rafael Garcia Cabazos como apoderado de dichos herederos con el objeto de que pueda istituir de su tenor á dicho arrenditario: Que por aute del dia tres del corriente asi lo tengo mandado. Ciudad de Matamoras y Marzo siete de mil ochocientos treinta y seis años.

J. PRADO,

Por mando de su merced.
BERO. PEDRO P. PALAEZ.
Esño Peo.

Translation.

DISTRICT COURT OF THE UNITED STATES,
District of Texas.

RAFAEL GARCIA CAVAZOS, and others,
vs.
SIMON MUSSINA,

Translation of the Document marked D., referred to in the deposition of D. Juan Prada.

The citizen Juan Prado, Second Constitutional Alcalde of this City and its Jursidiction.

The lessees of the places named Rancho Viejo Jurretada, Mesquite and Pasa Viejo, who, until now have been lessees of Don Juan Tijerina, shall account in future for the payment of their rents to the heirs of Doña Francisca Cavazos in conformity with the final order made in the proceedings that have been prosecuted in my court, of which a copy has been delivered to Don Rafael Garcia Cavazos, as attorney of the said heirs to the end, that he may inform the said lessees of its tenor as by my order of the third of the current month, I have so decreed.

City of Matamoras, the seventh of March one thousand eight hundred and thirty-six.

JE. PRADO.

By order of his Honor,
BACH. PEDRO. P. PALAEZ,
Not. Pub.

The foregoing is a correct transaction of the original made by order of the Court.

WILLIAM. G. HALE.

Copy of the Testament of Da. Francisca Cavazos.

Document *A*.

The following document, or copy of will, was offered in evidence by the complainants at the hearing of this cause, and objected to by defendants as incompetent evidence. The same special objections were made to its admissibility as were made to and endorsed on the copy of the testament of Doña Maria Gertrudis de la Garza Falcon, heretofore admitted in evidence; and the same were overruled by the Court, and the said document or copy was read in evidence by complainants.

JAMES LOVE, *Clerk.*

Sello Primero	Libertad.	seis Pesos.
Para los años de		1835 y 1836.

En el nombre de Dios todo poderoso y de la Virgen Maria Señora nuestra, concebida sin pecado original desde el primer instante de su purissima ser—Amen. Sepase y sea notorio como yo Da. Maria Francisca Cavazos, natural de la villa de Reynosa y vecina de esta Congregacion de nuestra Señora del Rufugio, hija lexitima de Dn. Narciso Cavazos y de, Da. Maria Ignacia de Inajosa. Hallandome enferma en una cama de una enfermedad que ha sido Dios servido embiarme: estando en mi entero juicio, y entendemiento natural, creyendo como creo en el Misterio de la Beatizima Trinidad, Padre Hijo y Espiritu Santo, tres personas

distintas, y un solo Dios verdadero Todo—poderoso: Tambien creo enla encarnacion del Divino Verbo, en las purissimas entraña de Maria, siempre Virgen, y en todos los demas Misterios que tiene cri, y confieza nuestra madre la Santa Iglesia, Catolica, Apostolica, Romana, en cuyo fé y creencia, he vivido y protesto vivir como Cristiana Catolica, Apostolica, Romana, redemida con el inestimable precio, de la preciosisima Sangre de nuestro Señor Jesucristo, temiendo como temo la muerte que es natural a todos las criatmas, no me coja de improviso y dezeando salvar mi alma, dejo y nombro por mis patronos, y abogados é intercesores en el Tribunal de Dios en donde tengo de verme para dar cuenta de mi vida a la Santissima Virgen del Refugio, el glorioso patriarca Sr. San José, al arcangel San Miguel, Santo de mi nombre y devosion, y a todos los santos de la Corte del Cielo, para que llegada la hora de mi muerte y salida mi alma de mi cuerpo, de este mundo, la lleben al seguro puerto de la Salvacion, donde espero intercedare por ella, porqué es mi deseo, y quiero que mi alma se salve: ordeno y hago este mi testam^{to} en la forma y manera sigiuente.

Sello Cuarto Para los años de { Libertad. } Una Cuartilla 1835 y 1836.

1o. Primeramente mando mi alma a Dios nuestro So'r el que la ereó y la redemió con el inestimable precio de su sangre, y pido a su Magestad la llebo a la gloria para donde fué creada, y mi cuerpo mando á la tierra pues de ella fué formada. 2o. Item—Mando que mi cuerpo sea amortajado con el habito de Nuestro Serafico Padre San Francisco, y mi entierro sea mayor aunque humilde y sin pompa. 3o. Item—Mando que mi cuerpo sea sepultado en la Santa Iglesia de este Congregacion ó en donde me coja el mal de la muerte cerca de la primera grada. 4o. Item—Declaro habersido casada y velada segun el erden de nuestra Madre la Santa Iglesia con Don Blas Maria de la Garza, de cuyo Matrimonio no tubimos sucesion ninguna durante nuestro Matrimonio de diez años, y no teniendo herederos ferzozos, es mi voluntad nombrar per mis herederos en primer lugar, á mi herm'a Doña Maria Ignacia Cavazos, y en segundo á mi Sobrina Doña Maria Josefa Cavazos á quienes nombro por mis herederos en la parte que les correspenda de mis bienes: declaro lo asi para que conste. 5o. Item—Declaro que cuando contraje Matrimonio con mi esposo Don Blas Maria de la Garza meti a su poder los bienes siguientes. Quarenta y cinco llegüas, seis petrancos de dos años dos Burros Mesos, un caballo manso, tres potros de edad Capones, seis de dos años enteros, quince potrillos y potranquitas de herrad'o, dos cavallos padres, diez vacas, cuatro toros; y declaro lo asi para que conste—De herrederos—tachado—no vale. 6o. Item—Declaro que de la parte matera que p. heredad mo convino por mi difunta Madre Doña Maria Ignacia de Inojosa la recibí, y quede enteramente satisfecha: declaro lo asi para que conste. 7o. Item—De-

claro que de la parte paterna qe. me debe convenir per mi difunto Padre D. Narciso Cavazos solo tengo recebido una manada con veinte y ocho Lleguas con un Caballo Padre, con dies potrillos y potrancas de año, una mula, mansa, y un macho de dos años, una mulita de heradero, dos caballos mansos; seite burras, sesenta obejas, quince borrig's, una burra grande, una hacha mediana, y era cosa muy usado; un almires yá ursado, una parrilla, de fiero: declaro lo asi para que conste. 8o. Item—Declaro tener una mula mansa de silla en poder de mi hermano Don José Man'el Cavazos la que cedo en el mismo, siempre que Dios me llame á juicio; declaro lo asi para que conste. 9o. Item—Declaro haber sacado del Agostad'o de carcistos cierto numero de reses como consta en los assuintes qe. paran en poder de mi madre politica Da. Guadalupe Cavazos ó en D. Joaq'n Lopez de Alexxerra, diesmero de Reynosa, y de esta Congregacion: declaro lo asi para que conste.

Sello Cuarto Para los años de	Libertad.	Una Cuartilla. 1835 y 1836.

10o. Item—Declaro tener en redito en poder del finado Dn. José Perez Rey la Cantidad de dos mil pesos en reales, plata fuerte megicana con su redito el cinco per ciento; cuya cantidad recibio d'ho Don José Prez Rey el dia veinte y cuatro de Nobiembre de mil ochocientos diez y siete; de cuya cantidad tengo recibido a cuenta del redito de este año de mil ochocientos dies y ocho, sesenta y seis pesos cinco y medio reales: declaro lo asi para que conste.

11. Item—Declaro tener en poder del Senor Capitan Don José Miguel Parades en redito, la cantidad de quinientos ps. en plata idem, con el redito dicho; cuya obligau consta de primero de Deciembre de mil ochocientos diez y sidio: tenieendo recisido de

Sello Cuarto, Para los años de	Libertad.	Una Cuartilla, 1835 y 1836.

este presente año de ochocientos diez y ocho y dies y nueve: declarolo asi para que conste. 12. Item—Declaro lo casa de mi morada esta en esta congregacion que se compone de una sala, una recamara y solar cercado en ramas, en qüanto se reconosisos por mio de puertas adentro: declaro lo asi para que conste. 13. Item—Declaro heber heredado de mi finado Esposo Alfeur Don Blas de la Garza la cantidad de venite sitios de tierra no completos, citos en el agostadero del Espiritu Santo del otro lado de este Rio Grande, de cuya cantidad le tengo vendidos en venta real dies sitios al Señor Capitan Don José Miguel Paredes: declaro lo asi para que conste. 14. Item—Declaro la ansion que tengo por parte de mi finado Esposo en dicho agostadero tanto de caballada como de ganado mayor: declaro lo asi para que conste. 15. Item—Declaro por mis bienes la parte matera y paterna de tierra que tengo en el agostadero de carrisitos con la correspondiente ansion tanto

en caballada como en ganado mayor; declara lo asi para que conste. 16. Item—Declaro por mi bienes el ágostadero do Sombrerotillo el cual heredé de mi ya difunto finado esposo como consta por su ultima disposicion foja trenita y ó cho, y Clausula deiz y nueve declaro lo para que conste. 17. Item—Declaro por bienes mios la parte de teirra con el correspondiente regadio, en la hacienda de San José jurisdiccion de la balle del Pilon, tanto por paterna, como por materna, declaro lo asi para que conste. 18. Item—Declaro de ber á D. Cayetano Medrano la cantidad de veinte pesos en reales y dos Cuerros: de declaro lo asi para que conste. 19. Item—Declaro que los dos mil ps. que se hallan a reditos en poder del finado D. José Perez Ray, es mi voluntad se pongan en redito en una persona abonada para bien de la alma de mi finado espose y la mia: declaro lo asi para que conste. 20. Item—Declaro que los quinientos pesos citados arriba es mi voluntad que de ellos mismos se

Sello Cuarto, Para los años de	Libertad.	Una Cuartilla, 1855 y 1856.

pagun mi funeral entierro, y mandas forsosas y de lo sobrante dispongan los herederos: declaro lo asi para que conste.

Item—Declaro que para el cumplimiento de esto mi testamento es mi ultima voluntad nombrar albaseas, tenedores de bienes y nombra para que lo sean, en primer lugar a mi hermana Doña Maria Ignacia Cavazos, en segundo lugar, a mi sabrina Doña Maria Josefa Cavazos, y en terer lugar, a mi sabrina Doña Bartola Cavazos, á quienes los encargo como á mis tales albaseas, fidey comisarios guarden, cumplan y ejecuten dicho mi testamento segun y como en el se contiene por sus clausulas en el termino de dxo que para todo y lo a ello anecso, conserniente y conviniente, les confiero todo mi poder facultad, quanto se requiere, y necesairo fuere; y para en mayor validacion y firmesa, rogué al Sr. Alcalde de esta Congregacion Don Ramon Garcia interponga su autoridad y judicial decreto quanto necesario sea. Y, yo d'ho Alcalde cumpliendo con todos los deberes de mi obligacion hise comparecer pa. la mayor validacion de este Testamento a tres vecinos tomados para que sirvan de testigs. instrumentales; siendolo Don Cayetano Medrano, D. Juan Longeria, y *etsra* y D. Pedro Serda todos de este vecindad: no firmo la testadora por no saberlo hacer, hiselo yo con los de mi asistencia á falta de todo escribano publico ni Real, que no lo hay en los terminos del derecho, doy feé. José Ramon Garcia asistencia José Antonio Gonsales—asistencia José Cayetano Pineda.

Es conforme al Instrumento original que para en el archivo de mi cargo marcado con el No. 108 de los años de 1817 y 1818 a que mi remiso y de donde se sacó fiel y legal á pedimento de Don Rafael Cavazos hoy primero de Junio de mil ochocientos treinta y uno; testigos los Ciudadanos Pedro Treviño Pereira Francisco

Mayorga y Rafael Quintero de esta vecindad. Doy fee—En testimonio de verdad.

ANTONIO ESCOVEDO,
Esno Peo.

(Dios sin la msca seis pesos)
(Veinte XX la busca de dos años.)

Objections to the paper marked A.

Will of Doña Maria Francisca Cavazos.

1st. The will is without date. 2nd. The paper does not show the proper seal. It should be stamped paper of the year which it is pretended to have been made; and the Brinnio of the year in which the copy was made should appear. 3rd. The certificate of Escovado when taken in connection with the package or inventory to which it refers shows that the inventory or package was made in the latter part of June, and the certificate here is the first of July, when it should be the 1st June, making a contradiction positive in the inventory or (package) and his certificate. 4th. The certificate of Escovado or attestation is different from the certificates to the wills of Garza & Falcon, see the form of it. It is not signed by the assisting witnesses. 5th. The will does not appear to be probated nor was it ever probated according to law. There should be seven witnesses, or five and a notary public. 6th. And for other causes apparent the Court is asked to rule it as improper testimony.

ATCHISON,
For Mussina.

Jan. 24th, 1854.
JAMES LOVE, *Clerk.*

DISTRICT COURT OF THE UNITED STATES,
District of Texas.

I, James Love, Clerk of the District Court of the United States for the District of Texas, certify that the foregoing ten pages contain a true and perfect copy of the *copy* of the will of Da. Maria Fran'ca Cavazos—originally filed in the Chancery case, No. 41, Cavazos et al. *vs.* Stillman et als., and Law case, No. 134, Cavazos *vs.* Mussina—which original is withdrawn by leave of the Court, and this copy filed in its stead.

In testimony whereof, I hereunto set my hand and affix the [SEAL.] seal of said Court, at Galveston, this fifth day of August, in the year of our Lord one thousand eight hundred and fifty-four.

JAMES LOVE, *Clerk.*

Translation of the Testament of Doña Maria Fran'ca Cavazos.

DISTRICT COURT OF THE UNITED STATES,
District of Texas.

RAFAEL GARCIA CAVAZOS *et als.*
vs.
SIMON MUSSINA.

RAFAEL GARCIA CARAZOS and others
vs.
CHARLES STILLMAN and others.
In Chancery.

Translation of the Testament of Doña Maria Francisca Cavazos, filed in the last of the above-entitled causes, and to be offered in evidence in both, on the part of the plaintiffs.

In the name of Omnipotent God, and of our lady, the Virgin Mary, conceived without original sin from the first moment of her purest existence, Amen. Be it known and notorious that I, Doña Maria Francisca Cavazos, a native of the town of Reynosa, and resident of this Congregation of our Lady of Refugio, legitimate daughter of Don Narciso Cavazos and of Doña Maria Ignacia de Inojosa, being unwell and confined to my bed with a sickness with which it has pleased God to visit me; being in my perfect, natural judgment and understanding, believing, as I do believe, in the mystery of the most blessed Trinity, Father, Son, and Holy Ghost, three distinct persons, and one only God, truly omnipotent; I likewise believe in the incarnation of the Divine word in the purest womb of Mary, always a virgin, and in all the other mysteries, which our mother, the Holy Roman Catholic Apostolic Church, holds, believes, and confesses, in the faith and belief whereof I have lived, and declare that I did, as a christian of the Roman Catholic Apostolic Church, redeemed by the inestimable price of the purest blood of our Lord Jesus Christ, fearing, as I do fear, that death, which is the common lot of all created beings, may come upon me unawares, and desiring to save my soul, choose and name as my patrons and advocates and intercessors before the Tribunal of God, where I am to appear to give an account of my life, the most Holy Virgin of Refugio, the glorious patriarch, St. Joseph, the archangel, St. Michael, Saint of my name and devotion, and all the saints of the Court of Heaven, that when the hour of my death shall come, and my soul shall leave my body, they may transfer it from this world to the safe harbor of Salvation, when I hope they will intercede for it, for it is my desire and prayer that my soul may be saved: I ordain and make this my will in the form and manner following:

1. First—I commend my soul to God our Lord, who created it, and redeemed it with the inestimable price of his blood, and I be-

seech his majesty to raise it to his glory, for which it was created, and my body I commit to the earth since it was formed from it.

2. Item—I order my body to be laid out in the grave clothes prescribed by our Seraphic Father St. Francis, and that my burial be of the first class, though humble unostentatious. 3. Item—I order that my body be buried in the holy church of this congregation, in which the pains of death seized me, near the first step of the altar. 4. Item—I declare that I have been married according to the canon of our mother the Holy Church, to Don Blas Maria de la Garza, by which marriage we had no issue during the entire continuance of our marriage for ten years, and having no forced heirs, it is my will to appoint (nombrar) as my heirs, in the first place, my sister Doña Maria Ignacia Cavazos, and in the second place, to my niece Doña Maria Josefa Cavazos, whom I appoint as my heirs in their respective portions of my property, (en la parte que los emesponda de mis bienes,) I declare it so that it may be known. 5. Item—I declare that when I contracted marriage with my husband, Don Blas Maria de la Garza, I put in his power the following property: fifty-five mares, six colts two years old, two jackasses, a gentle horse, three geldings fully grown, six colts two years old, fifteen young foals branded; two leading (stallions) horses, (caballos padres,) ten cows, four bulls, and I declare it, that it may be known. Branded—blotted—incorrect. 6. Item—I declare that I have received what was coming to me from my maternal inheritance, on the part of my deceased mother, Doña Maria Ignacia de Inojosa, and am entirely satisfied, I so declare it, that it may be known. 7. Item—I declare that of the paternal inheritance which ought to be coming to me on the part of my deceased father D. Narciso Cavazos, I have only received one drove of twenty-eight mules with a stallion, and ten colts a year old, a gentle mule, and another two year old, a young mule branded, two gentle horses, seven jennies, sixty sheep, fifteen lambs, a large crowbar, a middling sized axe, and a cart very much used, a gridiron; I so declare it, that it may be known.

8. Item—I declare that I have a gentle saddle mule in the possession of my brother, D. José Manual Cavazos, which I give to him, provided God shall call me to judgment, I so declare it, that it may be known. 9. Item—I declare that I have taken out of the estate of Carresitos, a certain number of beeves, as appears in the accounts which remain in the possession of my stepmother Doña Guadaloupe Cavazos, or in that of D. Lopez de Aleman, tithe proctor of Reynosa and of this congregation; I do declare it, that it may be known. 10. Item—I declare that I have at interest in the possession of Don José Perez Rey, two thousand dollars in reals, solid Mexican silver, together with its interest at five per cent, which amount the said D. José Perez Rey, on the twenty-fourth day of November, one thousand eight hundred and seventeen, of which amount I have received, on

account of the interest for the present year, eighteen hundred and eighteen, sixty-six dollars, five and one-half real, I do declare it, that it may appear. 11. Item—I declare that I have in the possession of D. José Miguel Paredes, at interest, the quantity of five hundred dollars, also in silver, with the interest upon the same, the obligation wherefor is dated on the first of December, one thousand eight hundred and seventeen: having received the interest for the present year, eighteen hundred and eighteen and nineteen, I so declare it, that it may appear.

12. Item—I declare that my residence in this congregation, which is composed of a hall, a bed-chamber and a lot of ground fenced with brush, with whatever is to be recognized as my property from the gates within. I so declare it, that it may be known. 13. Item—I declare that I inherited from my deceased husband, the Ensign Don Blas Maria de la Garga, the quantity of twenty sitios (square leagues,) of land, or thereabouts, (no completos,) situated in the estate (agostadero,) of Espiritu Santo on the other side of this Rio Grande, of which quantity I have sold, in actual sale (venta real) ten sitios to Captain D. José Miguel Paredes, I so declare it, that it may appear. 14. Item—I declare (as mine) the increase of stock that I have on the part of my deceased husband in the said estate, as well of horses as other large stock, I so declare it, that it may be known. 15. I declare as my property the portions of land that I have on my father's and mother's side, in the estate of Carrisitos with the corresponding increase as well of horses as of cattle: I so declare it, that it may be known. 16. Item—I declare as my property, the estate of Sombrerotillo, which I have inherited from my deceased husband, as appears by his last will, leaf thirty-eighth, and clause nineteenth: I so declare it, that it may be known. 17. Item—I declare that I owe Cayetano Medrano, the amount of twenty dollars in reals, and two hides: I so declare it, that it may be known. 19. I declare that it is my will that the two thousand dollars, which are at interest in the possession of the deceased D. José Perez Rey, should be placed at interest with a creditable person, for the good of the soul of my deceased husband, and my own: I so declare it, that it may be known.

20. Item.—I declare that it is my will as to the five hundred dollars above mentioned, that out of them, my funeral, burial, and forced legacies (mandas fuzozas) should be paid for: and that my heirs should dispose of the rest. I so declare it that it may be known. 21. Item.—I declare that it is my last will to appoint for the execution of this testament, executors to take possession of my property, and I appoint as such, in the first place, my sister Doña Maria Ignacia Cavazos, in the second place, my niece, Doña Maria Josefa Cavazos, and in the third place, my niece, Doña Bartola Cavazos, whom I charge as such, my executors and trustees, to keep, comply with, and execute my said testament according to, and in

the manner prescribed in it, and by its clauses, within the limits of the law; that for all, and for what appertains to, and is suitable and proper for it, I confer upon them all my power and authority, so far as may be requisite and necessary; and for its greater validity and binding force, I have requested the Alcalde of this congregation, Don Ramon Garcia, to interpose his authority and judicial decree so far as may be necessary. And I, the said Alcalde, complying with the duties of my office, have caused three respectable citizens to be present for the greater validity of this testament, to serve as witnesses, they being Don Cayetano Medrano, D. Juan Longoria y Garza, and D. Pedro Perda, all of this neighborhood; the testatrix did not sign, not knowing how to do so; I have signed with my assisting witnesses, in the absence of every Royal or Public Notary, there being none within the limits prescribed by the law. I certify—José Ramon Garcia; assisting witness, José Antonio Gonzales; assisting witness, José Cayetano Pineda.

This corresponds with the original instrument, which remains in the archives under my charge, marked with the number 18, in the package enrolled of the years 1817 and 1818, to which I refer, and from which it has been faithfully and legally copied, at the request of D. Rafael Cavazos, this, the first day of July, one thousand eight hundred and thirty-five, witnesses the citizens, Pedro Treriño, Francisco Mayerga, and Rafael Quintero, of this vicinity. I certify in testimony of truth.

ANTONIO ESCOREDO, *Notary Public.*

(Fees without the search—six dollars.)

(Twenty reals, the search over two years.)—Notorial Seal.

I cerify the foregoing to be a correct translation of the original made under an order of the Court.

WILLIAM G. HALE.

DOCUMENT B.

Copy of the Partition between the heirs of Da. Franca., Da. Ma. Igna'a., and Da. Josefa Cavazos.

The following document was offered in evidence by the complainants at the hearing of this cause, and objected to by defendants as incompetent evidence. The following special objections were made to its admissibility: That the validity of the original by the laws of Mexico, is not shown by complainants; that the execution of the original is not proved; that this copy offered in evidence is not proved in any sufficient manner to admit the same in evidence in this Court.

JAMES LOVE, *Clerk.*

Copia de la escritura de particion estra judicial entre los herederos mayores de Da. Francisca Cavazos, Da. Maria Ignacia, y Da. Josefa del mismo apellido, con la intervencion esta ultima de Dn. Rafael Garcia, en legitimo esposo.

Sello Primero, Para los años de.	Libertad.	Seis Pesos, 1835 y 1836.

En la villa de Matamoras á los tres dias del mes de Julio de mil ochocientos treinta y uno años, duodecimo de la instalacion del Congress de este Estado ante mi el Escribano publico, y testigos, parecieon presentes Da. Maria Ignacia Cavazos, vecino de Da. Maria Ignacia Cavazos, vecina de la Villa de Reynosa, y D. Rafael Garcia q. lo es de esta como marido y conjunta persona de Da. Josefa Cavazos, y dijeron: que habiendo fallecido en esta espresada Villa el dia venite y nueve de Mayo ultimo Doña Francisca Cavazos, bajo del testamento que habia otorgado en veinte siete de Octubre de mil ochocientos diez y ocho ante el Sr. Alcalde D. José Ramon Gorcia q. lo era de esta propia villa y testigos de asistencia, a falta de escribano publico con el numero competente de instrumentalas, y en el cual instituyó por sus universales herederos á las referidas Da. Maria Ignacia y Da. Josefa Cavazos su hermana la primera, y su sobrina la segunda; acceptando en herencia con beneficio de inventario, procedieron estrajudicial y amigablemente, en razon de ser mayoras de edad y con la intervencion de D. Juan Treanor como apoderado especial q. fue de la una y D. Rafael Garcia como legitimo esposo de la otra la faccion los bienos créditos, caudal y efectos q. se encontraron pertenecer la los q. se valuaron per los respectivos peritos, que unanimos eligieron: que evacuado dicho inventario a todo satisfacion y como tal lo aprueban de nuevo; considerando q. de nombrar contadores judiciales por dividir los, se los ocacionarian es esidoy gastos deliberaron hacer por si mismos la devucion de una persona instruida y de su mutua confianza quien correspondiendo á ella procedió a formar la divisoria correspondiente, la q. igualmento apenedan en todos sus partes. Y para qe. jamas se nade de su.

Sello Cuarto. Para los años de.	Libertad.	Una Cuartilla, 1835 y 1836.

verasidad de comun acuerdo convineiron en reducir á instrumento publico tanto los inventarios y justó precio de los bienes, cuanto la espuesta cuenta divisoria; y para realisado me entregan dichos documentos á fin de unir los á esta escritura como yo el presente escribano lo verificio protocolando los a su continuacion. Y para q. la mencionada particion estrajudicial, tenga el vigor, firmeza y validacion q. los interesados en ella apetesen, en la via y forma q. mas haya lugar en derecho serciorados del q. les competé, de su libre y espontanea voluntad; otorgan que aprueban

ratifican, y dán por hecha perfectamenta y con el debido arreglo, y en caso necesario formalizan de nuevo la espresada particion con sus presupuesatos, cuerpo de candal, deduciones, adjudicaciones, declaraciones, y todo lo demas q. contiene, y de los bienes respectivamente aplicados á cada una de las dos herederas q. quedan referidas se dan por entregados mutuamente en satisfacion, y por no parecer de presente su entrega mediante habersedo cierta y efectiva como lo confiezan renuncian la eseptiva que podian oponer de no haberseles hecho, la ley nona del titulo primero, partida quinta, q. de ella trata, y los dos años qe. prefixo para la prueba de su recibo, los quedan por pasados, como si realmente lo estubieran, y formalizan á su favor el mas eficas recibo y resguardo q. a su seguridad conducian: y en su consecuencia se desapoderan, desistan quitan y apartan, y a sus herederos, y entre sores dominio ó propiedad, posecion, titulo voz, recurso, y otro cualquier derecho que a los referidos bienes y cada cosa de al herencia les correspondia indistintamente y pudo corresponder mientras ecsistieron pronidiviso, y todo con las acciones reales, personales, utiles, mistas, directas, ejecutrias, y demas q. les competan y han competido a ellos, y a cada alhafa, se lo ceden, renuncian y traspasan integra y reciprocamenta, sin la menor reserva, atento a que con los q. estan aplicados se hayan satisfechos, y remite grados de en total haber correspondiente a la herencia de la mencionada hermana y tia, por cuya razon, quedan estinguidas, fenecidas, y acabadas enteramente las q. duante la previa division tenian, para q. de él se les hiciese pago. Y se confieren el mas amplio, absoluto, firme é irrevocable poder que necesitan, con libro franca y general administracion y facultad de instituirlo, y se constituyen procuradoras actuas en su proprio negocio para que cada una de las dos herederas tomo y apunda la real tenencia y posecion de los bienes q. se le adjudi-

Sello Cuarto. Para los años de. { Libertad. } Una Cuartilla 1835 y 1836.

caron en la espuesta divisoria, y los venda caniso, enageno, use y disponga de ellas á su arbitrio y eleccion, como de cosa suya adquirida con legitimo y justo titulo como lo son la adjudicacion qe. se le formó y este instrumento, del q. quieren se de a cada una copia autorizada con insercion de su hijuela presupuestos, declaraciones y demas q. correspondan á fin de q. les sirva de titulo legitimo de pertenencia de su haber, con la cual sin otro acto de aprencion ha de ser visto haberse transferido á todos y cada una de las dos la posecion y dominio de cuanto les tocó, y se les adjudico y en el interin se constituyen sus inquitinos, tenedores, y precacios posedores en legal forma.

Y declaran q. en la valuacion de los bienes inventoriados, y en la liquidacion deduciones enota y calidad de los aplicados a una

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y otra heredera, no hubo lesion, engño ni el mas lebe perpricio por habense practicado con rectitnd y pureza y observado en su distribucion y repartimento la proporcion correspondiente al haber de cada una en todas sus clases, sin causar, les agravio; y en caso q. lo haya habido ya consista en herro material de calculo ó en el modo y forma de liquidar, deducir, aplicar distribuir, ó en otre cosa q. por olvido ó ignoraniaa no se haya tenido presente, se remiten y perdonan la cantidad á q. hacienda en por a ó media suma, de la cual se hacen umtua gracia y donacion, pura perfecta é irrevocable entre vivos, con insinuacion y demas formas legales; y a mayor abundamiento renuncian la ley cuarta del titulo septimo, libro quinto del ordenamento real q. trata de los q. se vende y permuta, y de otros contratos en q. interviene lesion en mas ó menos de la mitad de lo justo, y los cuatro años q. presento para pedir resicion de los revidos contratos, é suplemento al legitimo y verdadero valor de las cosas en ellos conenidas, los q. dan por pasados, como si efectivamente hubieren transcurrido para no aprovecharse jamas de con ausilio. Y se obligan a que si en algun tiempo se descubrieren otros bienes, creditos ó efectos pertenecientos a la testamentaria de la nominada Da. Franca. Cavazos, su difuuta madre y tia los devidirian entre si, con la misma proporcion q. los inventariados sin diferencia, y con la propia proratiaran y pagaran las deudas q. aparecieren contra su caudal, á todo lo cual han de pedir su cumplidas por todo rigor de direcho y ria ejecutiasa, como ignalmente ó la paga de cutos daños y perjuicios q. la q. se apodera de los bienes q. se dis cubran ocacionan á su coheoedera, con resistirso a su manifestacion para dividirlo entre ambas, ó diferirla maliciosamente, ó q. por morosidad no hisiese puntual pagamento de la porcion q. le toque de las deudas q. aparecieren contra el caudal, referido el importe de todas en su relacion jurada; ó de quien la represente, sin otra prueba ni asignacion, pues de ella si verberan en forma mutuamente. Y en cumplimiento de lo ordenado por la ley nona, titulo quince, de la partidd sesta, se obligan a si mismo a la evision, sigundad y saneamento de los bienes respectivamente aplicados á cada una de las dos, y, a q. si al gunos de los raices ó redimables sabreien fallidos por pertenecer á tercero, ó estubiesen hipotecados y afector á gravamen ó responsabilidad q. por agarárse, ó por otra causa legal, anque a qui uo se espesifique, no se *dedup* la reitegrase de lo q. quepa y arba resarsirlo; y si la

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moviera plieto sobre ellos ó cualquisra finca por poco q. valga, salida a su defeuza, requeierendoes, permentrimera uniforme á derecho, y no haciendose lo saber en el termino que este peefina y de otra suerte, y lo siguiera a su costa en todas intsancias hasta ejecutoriarlo y dejar le en quiéta y pasifica posecion y segura

propriedad, sin q. de su caudal, tenga q. lastrar ni desembolsar cantidad la mas leve; y si una vez requerida y citada de enicion en la manera propuesta, no lo siguiere lo ha de continnuar la demandada, y no tener necesidad de interpolarlas mas en ningun estada del pleito pues la primera citacion ha de ser y entenderse perentoria para todas los traminos del juicio en cualquiera instancia; y en este caso, si obtuvinere sentencia favorable le bonificará y pagara todas las costas y daños q. se espresen haber

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espendido ó irragadoro le y á lo sig a por si, ó se valga de otro a quien satisfaga el trabajo de su solicitud.

Y si fuere condenada y despojada de la finca ó fincas litigiosas, no solo la há de abonar y remplazos de los refridos gastos, costos y daños sino del valor en q. las fincas desmiembradas le fueran adjudicados, ya de los frutos q. en virtud de la sentiencia haya restituido sin faltar cosa alguna, bajo de la propria pena de ejecucion y costas girandose la cuenta entre las dos herederas en atencion á q. si los bienes existieran sin dividirse, saldria todo de la masa comun, y cada una tanto menos persivira sin q. para asimirse de en pago y abono le su fragno el quererle imputas a culpa ó negligenisa suya la perdida del plieto, pues solvo ello ha de ser vida enjuicio ecepto q. le abandone sin hacer defenza alguna, ó no apelo de la desision condenatoria en tiempo y forma, ó quo lo comprometa sinpirevia y espresa ammiera y consentiomiento per esinto de la coherdera ni occurra alguna de los otras causas, por las q. segun derecho, no hay obligacion á la cirecion y saniamiento de q. tratan las leyes treinta y seis y treinta y siette del titulo quinto partida quinta, pues en estos casos, y no en otro, sea el q. fuero, no quedan, no han de ser obligados á ella Ignalmento se obligan o no reclamar esta escritura, no oponerso á su contesto total inparsialmente; y si lo intentaren, á mas de no deberseles admitir judicial in extrajudicialmento, ha de sunito, por el proprio hecho, haberla ápruado, ratificado y otorgado nuevamente con mayores vinculos y estabilidades: Y á la firmeza y validacion de cuantos queda referido, obligan, sus bienes y rentas presentes y futuras, con poderio y sumicion á las justicias y tribunales de la nacion Mejicana y particulares de esto Estado para q. los aprenmisun a un cumplimento con el rigor de sentencia consentida y pasada en autoridad de cesa jusgados ó como mas convenga. Asi lo dijeron otorgaron y finnasen seindo testigos. D. Demetrio Salazar, D. Hilairo de Meza y D. Joaquin Arguelles vecinos y presentes. Maria Ignacia Cabazos, Josefa Cavazos, Rafael Garcia Cavazos, Ante mi Ber Pedro P. Pelaez, Escrbano Publico.

Inventario y tasasion de los bienes que quedaron por fallecimeinto de Don Blais Maria Garcia la que hacemos les (rubrica)

por encargo de Da. Maria Ignacia Cavazos y de D. Rafael Garcia en representacion de su esposa Da. Josefa Cavazos.

Ciento veinte y cinco Yeguas abunadas á cuatro pesos, 500
Para la vuelta, 500

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Suma de la vuelta, 500
Veinte y cinco mas de caballos a tres pesos, 075
Un caballo padre en cinco pesos, 005
Catorce caballos mansos á diez pesos, 140
Doce mulas de dos anos a diez, 120
Catorce muletos de año á seis pesos, 084
Tres mulas de edad en setenta pesos, 070
Cuatro burras maezas a cincuenta pesos, 200
Cuatro burras á diez pesos, 040
Cuatro cientas cabezas de ganado menor a cuatro x, 200
Cuarenta id id id 020
Tres yuntas debueyes aperadas en sententa y cinco p., 075
Cinco bacas manzas a seis pesos, 030
Nil tres cientos trienta y tres cabezas de ganado, indomestico q. se graduo de su pertenencia en el agostadero del Espirito Santo á dos ps., 2666
El agostadero de Sombroretillo en cuatrocientos ps., 400
Un cuadro de San José y otras menudencias en crin pesos, 100
Un jacal, un azuela, dos grubias un azoden y hachas y tres gatos viejos en cuarenta pesos, 040
La ropa de uso en ciento inicuenta pesos, 150
Un caballo ensillado, enfrenado un (rubrica) adarga, lanza, escopeta, una pistola & a en setenta y nueve ps., 079

Una llegua, un macho de dos años y un Pasa al frente, 4994

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Suma del frente 4994
Mulito de año en diez y nuebe pesos, 019
Una llegua y un macho en id id 009
Una mula en diez id 910
Una llegua, un macho y un muleto en veinte y ocho pesos, 028
Una llegua en tres pesos, 003
Veinte y siete Yeguas á tres pesos, 081
Once crias a un peso, 011
Un caballo padre en cinco pesos, 005
Una llegua en tres pesos, 003
Seis reces en cuatro pesos, 024

Un cabello entero en cinco pesos,	005
Siete lleguas a tres pesos,	021
Diez y sieito dichos en cincuenta y dos pesos,	052
Un brieno mano en cincuenta pesos,	050
Una mula de edad en venito pesos,	020
Cinco mascos, cinco onzas, de platco a ocho ps. masco,	045
Una llegna, una mula de dos años y una potranea en once pesos,	011
veinto y cineo llignas á tres pesos,	075
un caballo padre en cinco pesos,	005
veinte eitios de tierra en el agostadero del Espiritu Santo en dos mil pesos,	2.000
Total,	7471.00

Importa los bienes valuados (salve errgs) siete mil cuatrocientos setenta y un pesos; onya tesacion jonamos en deuda forma haber hecho segun nuestro leal saber y entender sin dolo fravide ni encubierta alguna y haber procedido á ella en virtud solo del encargo q. nos han hecho los interesados q. endinda instancia los firmamos en Matamoros á los vinte dias del mes de Junio de mil ochocientas neinta y unio años. Juan Manuel de la Garza Faleon. Areregó de mi Padro D. Crisanto Longoria y por no saber firmar yó a su ruego. Froylan Lengoria—ormas de las presedentes bienes tasadas quedaren per fallecimiento de D. Blas Maria Garza segrur las declaraciones de en testamento otergono auto el Feniente D. Viciente Lopez de Herrera, las signientes.

Cien pesos q. quedo de renta D. Matias Ramires,	100
Noventa pesos, id id D. Juan Garza,	090
Avarientos trespesos id id D. Domingo Guerra,	203
Ciento dos pesos id id D. D. Cristoral Longoria,	103
Trenita y sieto pesos de ensañ resg. a tres aparajas fiadas al cabo José Antonio Cisneras,	036
Venite y unio pesos q. debian los tres. Ballies de unas reus	025
Venite pesos de ciens reses fiadas á Nepom'o. Cisneros,	020
Neventa y dos pesos q. acbia el mozo Inbian Guerra,	092
Cateno pesos ardos muletos fiados á Saldirac,	014
Cuarenta y siete pesos que debia Juan Perez,	047
Pasa al frente,	730
Suma del frent,	730
Cincuenta pesos que acbian varios sugetos segem la lista q. presento Gutierrez,	050
Sesenta pesos q. acbia el negro Matias Gonzales)	060
Veinte pesos de un parar muletos y una llegnor fiadas a Juan Moya,	020
Cineo pesos de un cabello fiado a Juan Antonio,	005
Veinte y cinco pesos q. acbia D. Agustin Leopez,	025

Diez ps. de un caballo de rienda fiado á M. Brecio,	010
Diez ps. de atro id a Miguel Barrera,	610
Ciento tres pesos q. acbia el finado D. Marcels Ramius de unas bestias,	103
Total,	1013
Importan los bienes valuados,	7471
Suma total del inventario,	8484

Declaramos no consrar en el memorido testamento de D. Blas de la Garza mas bienes de ser pertenecira q. los inventeviadus y endivida constancia le firmanos en Matamoras á vernite y cinco de Junio de mil ochocientos treinta y cinco. Rafael Garcia Cabazos. Juan Treanor.

Inventario tesacion de les bienes q. quedaren per fallecimiento de Da. Franca Cavazos la q. hacemas los infrasintos por en cargo de Da. Maria Iguacia Cavazos y D. Rafael Garcia Cavazos en representation de

Sello Cenart, Para los años de } Liberatad. { Una Cuartilla de 1835 y 1836.

su esposa Da Josefa Cabazos.

Diez citios de teirra no cabales en el Agostadero del Espiritu Santo en dos mil quienitos pesos,	2500
El Agostadero de Sombreretillo q. trino poco mas de cuatro sitios en ochocientos pesos,	800
Meadio solar con un jacal en ciento cincuenta ps.,	150
una mesa usada cou un banco entres y medis ps.,	0034
un Tinajero usado en un peso,	001
un catre usado en des pesos,	002
un utchin usado en suis reales,	0006
una caja usado sin blanc en doze reales,	001.4
un reboso azul usado entres pesos,	003
un baso de plata q. pesa siete ongas en siete onzas en uille ps.,	007
una cuchara de id enavea reales,	6014
una cruz de palo encarguillada en atro en deso rs.,	6014
tres tunioz de nidriani usadas en tres pesos,	003
un retaz de estopilla de al codon en reinte rs.,	0024
dos colchos de algoam usadas en cuatro pesos,	0040
una holla de hierro grande en cinco pesos,	005
una id. id chisa en un peso,	001
un ceso grande usado en cuatro pesos,	004
una hollita chica en cuatro reales,	0004
un azadon usado en un peso,	0010
un sarten chiquinto en cuatro rerles,	0004
Casa al frente,	3493

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Sumo del frente,	34930
un sedazo de alambre en seis reales,	0006
un metale con sumano en cuatro pesos,	004
un comal de hierro en dos pesos,	002
un aihino Rostro en dos pesos,	
Total,	35020

Importan los bienes tasados (salvo error tres mil quinientes dos pesos; cuya tasacion juramos en debida forma haber hecho segun nustro leal saber y entender sin dolo fraude ni encubierta alguna y haber procedias á ella en virtud solo ad encargo q. nas hán hicho las interesado q. en dinida constanira lo ferinamos en Matamoras á los veinte dias del mes de Junio, de la Garza, Francisco Fernandez, amos de los presidentes bienes tasados per tencion a la Testamaria de Da Francisca Cavazos, los signatures.

Un derecho en el Agostadero llamado San de Carresitos. Y en otro dicha en las tierras de San José jurisdiccion del Valle del Pilon.

Una deseda actina liquida contra D. Juan Tijernia y sobre lo quo hay pleito pendiente, otra idem de mil doscientos cincuenta pesos contra la Testamentaria de D. Rafael Pariente, Declaramos bajo juramento q. los hierros iventariados sen los uincos de q. tenemas noticia haber quedado per fallecimiento de Da. Fran'co Cavazos y prostestamos que siempre q. sempramos de otros nuevos los anatariors pa q. de ellas se haya la division q. corresponde y en devida constanira lo firmmos Matamoras a veinto y cinco de Junio de mil ochocientos treinta y cinco.

RAFAEL GARCIA CAVAZOS.
JUAN TREANOR.

Particion de los bienes que dijo Da. Francisca Cabajos, entro en hermana, Da. Ma. Ignacio Cabazos, y su sobrina Da. Maria Josefa Cabazos. El ciudadanos José Secundino Mora, vecino de esta villa de Matamoras contador nombrado uniformente por D. Juan Treanor como apoderado de Da. Ma. Ignacio Cavazos, y de D. Rafael Garcia en representacion de su esposa, Da. Ma. Josefa Cavazos. Instituidas pomnieas herederos de Da. Francisca Cabazos en el testamento q. formalizó en esta villa y veinte, y siete de Octubre de mil ochocientos y ocho, y á falta de escribano ante el Alcalde D. Ramon Garcia con tres testigos instrumentales q, lo fueron D. Cayetano Medrano. Don Juan Lengoria y Garza, y D. Pedro Serda y de assistencia, D. José Antonio Gonzales y D. José Cayetano Pineda bajo del cual falleció; cuyo encargo tengo aceptado y acepto nuevamento en caso necesario, haga liquidacion cuenta, y particion de todos los bienes, creditos caudal y efectos q. dijo la espresada Da. Francisca entre sus herederos, con presencia reconviniento, y es empulosos ecsamen de no testamento, imentano formalizado y de otros papeles relativos y consernientes a su, y para su mas perceptible intiligencia debo hacer las suposiciones siguientes. Resulta contra la testamentaria de Da. Fran-

cisca Cavazos el quinto de los bienes de su marido D. Blas Maria Garza legado por este a Da. Ma. Josefa Cavazos, y como para saber á q. amendo es elegado, es necesario, hacer, dineron y particion de los bienes q. dijo el citado Garza por no haberlo hecho Da. Francisca se hara primero esta liquidacion de los bienes q. declara

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el testamento, y a mas veinte sitios de tierras q. no espesifican, y tambien dijo segun constancia. Sobre el testamento de D. Blas Masia Garza, D. Blas Maria Garza fallecio en esta villa bajo el testamento v. habia otergado a los quatro dias del mes de Mayo de mil ochocientos dos á falta de escribano, ante el teniente D. Vicente Lopez de Herrera con tres testigos instrumentales que. lo fueron, D. José Cayetano Giron, D. Calistro Ayala y D. Blas Ma. Falcon, y de assistencia D. Cayetano Medrano y D. José Vicente Lopez: por el cual despues de hacer la protestacion de la fé á inoar el patrocimio de los Santos mando q. su cuerpo se sepultare en la Iglesia de esta casa cerca de la primera grada ó donde le cogiera el mal de la muerte, amrtajado un el asito de N. S. P. S. Francisco, y q. su entierro fuera mayor caunque humilde; Lego el quinto de sus bienes á Da. Ma. Josefa Cabazos. Declaro q. cuando contrajo matrimino con su esposa Da. Josefa Cavazos no introdujo cosa alguna, por q. su herencia paterna se hallaba man-

Sello Tercero Parr los años de. { Libertad. } Dos Reales. 1835 y 1836.

comunada con los bieues de su madre, y q. hasta aquella fecha solo habia recibido dos cajos, un almires y un relicario de cera de anus dorado: que su dicha esposa introdujo cuarenta, y cinco lleguas, seis potrencas de dos años, dos burras mayos, tres potros capones de edad. seis dichos enteros de dos años, quince potrillos, y potrancas de herrar dos caballos ps. padres diez bacas, y cuatro toros. Mando se cobrarse lo q. le derion, y sepagase lo q. estubiera debiando, todo lo cual enumero, y espresó resultaria de sus apuntes y de los libros de algunas sujetos q. esta en sus declaraciones. Nombro por sus testamentarios con facultad para todo en el termino del derecho al Sr. Ber. D. Nicolas Balli, y D. Francisco Cabajos y á D. Blas de la Garza Falcon. Instituyo por su heredero universal á su esposa Da. Francisca Cabajos, y revocó y anuló todos los disposiciones testamentarios q. anteriormente resulta del prenotado testamanto q. a esta efecto tubro presento. Sobre el inventario formalizado *liquidacion y direcion del caudal inventarido.*

Da. Blas Maria de la Garza en su testamento otorgado en esta villa y bajo del q. fallicio dejo por heredera a su esposa Da. Fran'ca Cavazos, y legó el quinto a su sobrina Ma. Josefa Cavazos, su heredera entero su posecion y goce de los bienes sin hacer inventario ni entregar el quinto a Da. Josefa en todo el tiempo que

salvevivio a su marido a pesar de los reclamos q. para ello se hicieron. Por tal motivo Da. Josefa y la madre de esta, á quien Da. Fran'ca, ha dejado de herederas han convenido en q. dicho quinto se cornidere y tenga como deuda contra la testamentaria de Da. Fran'ca y q. por esta para saber a lo q. asiende el quinto es necesario saber el valor de los bienes q. dejo D. Blas, han convenido en q. setacen estos por Dn. Crisostomo Longoria y D. Manuel Falcon, un arreglo a las declaraciones q. constan en el mismo testamento y un arreglo tambien al valor q. tenian cuando el murió, habiendo precedido al avaluo resulto q. el importe de los bienes aesiendo a ocho mil cuatro cientas ochenta y cuatro pesos segun onsta el cuerpo de hacienda de lo q. un arreglo al mismo testamento deben dedudirse cuatro cientos veinte y tres pesos en q. se valuaron los bienes introducidos por su muger, mil seis cientos sesenta y tres pesos siete reales de las deudas pasivas, contraidas durante el matrimonio q. por estar satisfechas no se forma hijuela de ellas, y dos mil diez y siete pesos valor de veinto sitios de tierra q. le apjudican los albaceas de su madre, por su herencia y los muebles q. declara haber persivido duranto su matrimonio de la parte paterna, cuyos tres partidas componen cuatro mil crinto tres pesos seite reales y bajados del total resultan de gananciales cuatro mil tres cientos ochenta pesos un real partibles entre ambos en igualdad, cuyo mitad son dos mil ciento neventa pesos, sus granos que unidas al capital de D. Blas, su total haber cuatro mil ochocientos siete ps. sus granos cuyo quinto son ochocientos cuarenta y un peso tres reales, tres granos bajado este resultan de caudal liquido tres mil tres cientos sesenta y cinco ps. cinco reales tres granos para he

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rencia. Con arreglo á lo cual puedo a formar el cuerpo de hacienda, liquidacion y divisiciones de el en la forma siguiente.

Cuerpo de Hacienda.

La ponen por caudal quinientos ochenta pero sin q. valuaren ciento veinte, unio lleguas abütados, y veinte, y cinco mas en su cavallo padre que constan en la citada declaracion, 580
Ytem ciento cuarenta pesos de catorce caballos cuestan en la (declaracion) novena, 140
Ytem escrito, y remiti ps. de documentos (declaracion diez), 120
Y. ochenta, y cautro ps. de cátorce mulitos (D. once), 84
Y. setenta ps. de tres mulas (D. doce), 70
Y. doscientos ps. de cuatro burros massos (D. terca), 200
Y. cuarenta ps. de cuatro burras (D. catorce), 40
Y. doscientos pesos de cuatro cientas cabozas de ganado menor (D. quince), 200
Y. veinte ps. de cuarenta cabazas mas (D. diez, y cita), 20

Y. deino, viente cinco pesos de tres yuntas de bueyes aperados, y cinco bacas mangas (D. diez y siete), 105
Ytem dos mil seiscientos sesenta, y seis ps. de mil trescientas trienta, y tres cabezas de ganado indomestico (declaracion diez y ocho), 2.666

Pasa al frente, 4,225.00

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Suma del frente, 4,225
Item cuatrocientos ps. de la tierra de sombreretillo declaracion diez, y nueve, 400
Ytem seis pesos de un cuadro de San José, y otros menudencias (D. veinte), 100
Ytem cuarenta pesos de un jacal, un azuela, dos zurbrios, una gurbia, tres hachas, y tres gatos rejas (D. veinte y una), 40
Ytem ciento cincuenta ps. de la ropa uso (D. veinte yd), 150
Ytem setenta, y nueve ps. de un caballo, eusillado, enfrenado, cintera, adarga, lanza, escopeta, una pistola Va. (D. veinte y tres), 79
Ytem Diez y nueve ps. de una llegua, un macho, y un mulito (D. veinte y cuatro), 19
Y. nueve ps. de una lleguna, y un macho (D. veinte y cinco), 9
Y. diez ps. de una mula (D. veinte y sins), 10
Y. veinte, y ocho pesos de una llegua una mula, y un mulito (D. veinte y siete), 28
Y. tres pesos de una llegua (D. veinte y ocho), 3
Y. noventa, y siete ps. de veinte, y siete lleguas once crias, y un caballo padre (D. veinte y mucho), 97
Y. cein ps. de la renta que debia Don Matias Ramires (D. treinta), 100
Y. tres ps. de una llegua (D. treinta y una), 3

Pasa á la vuelta, 5,263 00

Suma de la vuelta, 5,263 00
Y. noventa pesos de la venta que debia Don Juan Garza (D. treinta y dos), 90
I. doscientos tres ps. de la renta que debia Don Domingo Guerra (D. treinta y tres), 203
Y. veinte, nueve pesos de seis reses, y un caballo entero (D. treinta y cuatro), 29
Y. ciento dos ps. de la renta que debia Don Cristoval Longeria, y dos pesos mas en plata efectiva (D. treinta y cinco), 102

Y. treinta, y siete pesos de cuatro reses y tres aparejos (D. treinta y seis),	37	
Y. veinte, y cineo ps. de los resg. que persibieron los Señores Ballio (D. treinta y ocho),	20	
Y. noventa, y dos pesos del mozo T. lo (D. treinta, y nueve),	92	
Y. caterce pesos de un par mulitos (D. cuarenta),	14	
Y. cuarenta, y siete pesos que tenia Juan Perez (D. cuarenta y una),	47	
Y. veinta ps. de un par de mulitos, y una llegua (D. cuarenta y dos),	20	
Y. veinte y un pesos de siete lleguas (D. cuarenta, y tres),	21	
Y. cincuenta, y dos pesos de diez, y siete lleguas (D. cuarenta, y cineo),	52	
Pasa al frente,		6,055 00
Suma del fuente,		6,015 00
Y. cincuenta pesos que actian varios sugetos segun lista presentada por Don Antonio Gutierrez (D. cuarenta y circo),	50	
Y. setenta pesos de una burra maez, y una mula de edad (D. cuarenta y seis),	70	
Y. sesenta pesos q. debia el negro Matias Singales (D. cuarenta y siete),	60	
Y. diez pesos de un caballo (D, cuarenta y ocho),	10	
Y. diez pesos de otro d'ho (D. cuarenta y nuebe),	10	
Y. cincuenta ps. de cinco marcos cinco onzaz de plata y un caballo (D. cincuenta),	50	
Y. once ps. de una llegua una cuenta de dos años y una potranca (D. sesenta y tres),	11	
Y. ciento cinco pesos de veinte y cinco lleguas, un caballo padre y veinte y cinco ps. en dinero efectivo (D. sesenta y seis),	105	
Y. ciente tres pesos cinco bestias mulares y una llegua (D. sesenta y siete),	103	
Y. dos mil pesos de veinte sitios de tierras que no espesifica el testamento y que apereceon de su propriedad,	2,000 00	
Total importe del caudal mencionado,		8,484 00

Asciende el caudal inventanado de Don Blas Maria Garza (salve error) á ocho mil cuatro cientos ochento y cuatro pesos segun

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aporece de la suma grál de los cuarenta, y siete partidas anteriores y de ellas se hace en los deduciones siguientes.

Bajos Comunes ó Generales.

Se bajan del cuerpo del caudal inventoriado cuatrocientos veinte y tres pesos en q. se valuaron los bienes q. llevo en date a su matrimonio Dn. Francisca Cavazos 423

I dem mil seis cientos sesenta y tres pesos siete reales de las deudas contraidas durante su matrimonio en su difunto marido segun consta de las declaraciones del testamento q. pr. estar ya pagadas no se individualizan 1.663.7

1 dem dos mil diez y siete pesos en q. se valuaron los bienes q. reibio D. Blas durante su matrimonio de herencia paterna y materna 2.017.00

Total de Bajas 4.103.7

Importan las bajas comunes hechas del caudal iventariado, cuatro mil ciento tres pesos sieto reales q. restados de los ocho mil cuatrocientas ochenta, y cuatro inventariados resultan de gananciales cuatro mil trecientos ochenta ps. un real partibles entre

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ambos en igualdad: cuya mitad respectiva á cada uno son dos mil ciento noventa pesos seis gramos por lo q. se procede en liquidar el haber de D. Blas y á hacer las deduciones correspondientes.

Haber de Dn. Blas Maria Garza.

A. D. Blas Ma. Garza y en su representacion a su esposa tocan por el capital y herencias paterna y materna introducidas durante su matrimonio 2017.0

Item por su mitad de gananciales dos mil ciento noventa pesos sin granos 2190.06

Total haber liquido 4207.05

Importa el quinta de estos 841.33

Queda para herencia 3365.53

Comparacion de esta Cuenta.

Por el importe de las deudas contra el caudal 1663.7

Por el importe de los bienes introducidos por su muger 423.

Por la mitad del ganancial perteneciente á d'ha 2190.06

Por el quinto aplicable á Da. Ma. Josefa Cavazos 841.33

Por el liquido para herencia 3365.55

Total caudal 8484.00

Importa el inventario 8484.00

Igual 0000.00

Sobre el Testamto. de Da. Franca, Cavazos.

Da. Franca. Cavazos fallecio en esta villa bajo el testamento q. habia otorgado a los veinte y siete dias del mes de Octubre de mil ochocientos diez y ocho á falta de Escribano ante el Alcalde de esta Congregacion D. Ramon Garcia con tres testigos instrumentales q. lo fueron D. Cayetano Medrano, D. Juan Longeria y Garza, y D. Pedro Serda y de asista. D. Antonio Gonzales y D. José Caye-

tano Pinedes: par el cual de hacer la protestacion de la fé e invocar de patrocinio de los santos mando q. su cuerpo se amortajare un el avito en A. S. P. S. Franco. y q. su cuerpo el sepultare en lo Santa Iglesia de esta Congregacion ó en donde la cojiera el mal de la muerte serca de la primer grada. Nombro per sus testamentarios con facultad pa. todo en el termino del derecho á su hermana Da. Maria Ignacia Cavazos, y á sus sobrinas Da. Maria Josefa y Da. Bartola Cavazos. Instituyo por sus herederas á su dicha hermana Da. Maria Ignacia Cavazos y revocó y anuló todas las dispocisiones testamentarias q. anteriormente tubiese hachas q. cuanta sustancialmente resulta del precitado testamento q. á este efecto tube presente. Sobre el inventario formalizado *liquidacion y liquidacion del caudal inventariado.*

Habiendo Da. Franca Gabazos so combinieron sus herederas en q. se hiciese la hijuela de divicion y particion en arreglo al inventario y tasacion hecha per D. Tomas de la Garza. D. Franco. Fernandez nombrados por los mismas interesadas de la q. resulta ascender el valos de los bienes á tres mil quinientos treinta y un pesso en esta forma tres mil tres cientos ps. en catorco sitios detieora, irento cincurta ps. en medio solar y majacal, reinto y nuebe ps. en dinero efectivo, cinenenta y dos muebles y ropa de uso, cuyas catro partidas esuman (salvo error) los mencionados tres mil quinientos treinta y un pesos total importe del caudal inventariado por muerto de Da. Franca Cabazos de los q. deducidos ochocientos cuarenta y un pesos tres *r* tres granos del quinto de los bienes de su esposo q. por legado de este pertenece á Da. Josefa Cavazos, mil tresientos ochenta y des ps. seis *r* seis granos del redito correspondte á esta cantidad desde el quinco de. Agosta

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de mil ochocientos dos hasta esta fecha q. la ha retenido en su poder, escrito diez y ocho pesos uno y medio reales importe del funeral y entierro, cuyas tres partidas componen dos mil tres cientos cuarenta y dos ps. tres reales tres granos y lajados del total quedaron mil ciento ochenta y ocho ps. cuatro reales nuebe granos para heronica un arreglo á lo cual procedo á formar el cuerpo de hacienda liquidacin y deduciona de el en la forma siguiente.

Cuerpo de Hacienda.

Se ponen por caudal tres mil tres cientos pesos en que han valuado catorco sitios en el Agostadero del Espiritu Santo y sombreretillo	3,300
Iten ciento cincuenta en q. se aprecio medio solar con un jacal	150
I. Cincuenta y dos pesos de los muebles y ropa de uso	052
I. Veinte y nuebe ps. en dinero efectivo	029
Total importe del caudal inventariado	3,531 00

Asiende el caudal inventariado por fallecimiento de Da. Franca Cavazos (salvo error) a tres mil qunientos trienta y un peso segun aparecido la suma grat. de los cuatro partidas anteriores y

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de ellos se ha cen las deduciones seguientes.

Bajos comunes ó generales.

Se bajan del cuerpo del caudal inventoriado ochocientos cincuenta y un pesos tres *rs* y granos del quinto de los bienes de su esposa q. por legado de este pertence á Da. Maria Josefa Cavazos, $846 33

J. mil tres cientos ochenta y dos pesos, seis *rs* y seis granos del redito correspondente a esta cantidad desde el quince de agosto de mil ochocientos dos hasta esta feca q. los há retrenido en su poder, 1382 66

Idem, ciento diez y ocho pesos un real y seis q. imperta el funeral y entiero, 118 16

Total de bajos comunes, $2342 33

Importan las bajos comunes hechas del caudal inventoriado dos mil trescientos cuarenta y dos ps. tres r tres granos q. netados de los tres mil quinientos treinta y unpesos quedan mil ciente ochenta y ocho ps. cuatro *r* y nuefe granos pa. herencia entre ambas por ignales partes por lo q. puede i liquidar el haber de cada una en la forma siguente,

Resumen y liquidacion de lo que toca a cada uno de los interesados en esta particion por tados sus dere chos,

Haber de Da. Ma. Ignacia Cavazos.

Da. Ma. Ignacia Cavazos hermana de Francisca Cavazos debe haber por su herensia quinientos noventa y cuatro ps. dos *r* cuatro y medio granos, 594 20

Asciende el haber de Da. Maria Ignacia Cavazos por su herencia a quinientos nobenta y cuatro ps. dos reales cuatro y media granos de los cuales se le hace pago en los bienos siguentes,

Adjudicacion y pago.

Se aplica á Da. Ignacia Cavazos el ágostadero de Sombroretillo por la cantidad de ochocientos pesos en q. se valno pa. pago de los quinientos nevento y enatro pesos des *r* cuatro y medio granos y para q. pague ciento deiz y ocho p. uno y medio reales del funeral y entierro y el remanento q. son ochenta

y sieto ps. cuatro *r* uno y medio granos á Doña. Josefa Cavazos, 800 00

Total de bienes aplicados, 800 00
Total Haber suyo, 5942 42

Alcanze a favor de la Testamentaria, 2055 77

Haber de Da. Josefa Cavazos.

Da. Josefa Cavazos sobrina de la difunta Da. Francisca debe haber por el quinto de los bienes de Don Blas q. aquella retubo en su poder, ochocientos cuarenta y un posos tres reales y tres granos, 841 33

Item, por el redito correspondiente a esta cantidad a un cinco por ciento desde el quince de agosto de mil ochocientos dos hasta esta fha mil tres cientos ochenta y dos ps. seis granos, 1382 66

Item, por su herencia quinientos noventa y cuarto ps. dos reales cuatro y medio granos, 5742 41

Total heber de Da. Josefa, 28184 17

Importa el total haber de Doña Josefa Cavazos dos mil ochocientos diez y ocho pesos cuatro reales, uno y medio granos de los cuales se le hace pago con los bienes siguientes,

Adjudicacion y Pago.

Se dan en pago á Da. Josefa Cabazos diez sitios de tierra no cabales en el Agostadero del Espiritu Santo valuados en dos mil quinientas pesos, 2,500

Ytem medio solar con un jacal sito en diha villa tasado en ciento y cincuenta pesos. 150

Ytem, varios muebles y ropa de uso en

Pasa á la vuelta, 2650

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Suma de la vuelta, 2,650
cincuenta y dos pesos, 052 00
Yt. veinte y muebe ps. en deniro efectivo, 029 00
Yt. ochenta y siete ps. cuatro x uno y medio granos q. debe entrogarle su madre Da. Ignacia Cabazos pr. esta de esta testamentaria, 087 41½

Total de bienes aplicados a Da. Josefa, 2818 41½
Total haber suyo, 2818 41½

Queda pagado enteramente, 0000 00

Asienden los bienos aplicados a Da. Josefa Cabazos á dos mil ochocientos diez y ocho ps. cuatro reales y un y medio granos; y lo q. debe haber por sus derechos la propria suma por que queda enteramente pagada.

Compuracion de esta Cuenta.

Por el importe del funeral y entierro,	118 16
Por el haber de Da. Ma. Ignacia Cabazos,	594 24½
Por el haber de Da. Ma. Josefa Cabazos,	2,8I8 41½
Total Caudal,	3,531 00
Inporta el inventoria lo mismo,	3,531 00
Igual,	0000 00

Primera: Se declara q. los Drsös de tierra de S. Juan de Carrisitos y de Sñ. José q. menciona el inventario de los bienes de Da. Francisca Cabazos—

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—y q. no se tasaron por no saberse de cuantos sitios constan y por no haberse hecho todavia la divicion de ellos, se repartiran por mytad entre las dos herederas Da. Maria Ignacia Cabazos y Da. Maria Josefa Cabazos.

Segunda: Ygualmente se declara q. queda una deuda activa iliquida contra D. Juan Tijerina la q. liquidada y cobrada se repartira entre dichos Da. Jgnacia y Da. Josefa Cabazos.

Tercera: Se declara q. no exsistiendo de los dos mil pesos q. habla la clausala diez y nuevo mas q. los un mil dos cientos cincuenta pesos q. debe la testamentaria de Don. Rafael Pariente se deben inponer a reditos y con este decisso mismas por la alma de la testadora y de su esposa D. Blas.

Cuarta—Asimismo se declara q. siempre q. aparesian algunas dendas activas bienes y efectos correspondientes á este caudal, se deberan tener y estimar por incremento de el, y dividirse en la forma q. los inventariados entre los participes, y lo mismo debera practicarse en los dichos cargos y responsabilidades q. resulten contra el, y por no haberse tinido presentes no se han deducido por lo q. todos los interesados que dan respectiva y propor crinalmente ligados y sugetas a la resolucion de estos, al modo q. con igual derecho al percibo de aquellas. Quinto—se declara tamlien q. si alguna de las tierras de agostadero inventairados y adjudicados en el concepto de libres resultaren estar viculadas ó pertenecer total ó parcialmente á tercero y por consiguiente no ser de esta testamentaria, el imperte principal de ellos y los gastos q. se originero á la persona a quien sean adjudicados ó a

la q. en lo subscrivo la represente, un caso q. se la mueva litigio sobre su revindicacion, como tambien los daños q. esperimente se deberan tener por mangos caudal, y la otra participe benificarle sin escusa en respectiva parte, de modo q. quede enteramente saniada de valor principal de ellos, y de los perjuicios pero debera segri y defender el pleito q. subsite, estando de eviccion conforme a dro: y no de otro suerte á los demas interesadas, y hasta q. se ejecutorio no tendra derecho á intentar el regreso ó repeticion. Sesta—Se declara q. no exsistiendo los quinientos pesos de q. habla la clausula reinte quedan los herederos en obligacion de pagar por mitad los mandas forzozas de q. se habla en ella debiendo darse dos reales por cada uma. Septima—Ultimamente se declara q. los gastos de montario, tasacion, particion testimonio de las adjudicaciones q. se han de dar a los interesados papel gastado y demas deligencias q. occuran hasta la entera evacuacion de todo novan considerados ni deducidos y q. desearan pagar se con la proporcion de tres quintas partes por Da. Josefa Cavazos y los otros dos por Da. Ignacia Cavazos, en cuyas declaraciones concluyo esta particion q. en arreglo á los documentos q. se manifestaron, y devolio a quien me los entregó; y bajo el juramento hecho ejecute bien y fielmente segun mi inteligencia, sin causar agravio á los interesados por lo q. la firmo en esta Villa de Matamoras a treinta de Junio de mil ochocientos treinta y cinco años. José S. Mora, Aspenebo esta cuenta divisoria Maria Ignacia Cavazos, Coprobamos esta cuenta, Josefa Cavazos, Rafael Garcia Cavazos.

Es conforme a sus originales que quedaron archivados en el protocolo de mi cargo. Y para entregar á D. Rafael Garcia como legitimo Esposo de Da. Josefa Cavazos hiso sacar el presente que vá escrita en veinte y una fojas utiles, de las cuales la primera y esta correspondede a un pliego del sello primero. Villa de Matamoras y Julio siete de mil ochocientos treinta y cinco años duodicimo de la instalacion del Congreso de este Estado.

[NOTORIAL SEAL.] Bér PEDRO P. PELAEZ,
esno. pbo.

DISTRICT COURT OF THE UNITED STATES,
District of Texas.

I, James Love, Clerk of the District Court of the United States for the District of Texas, certify that the foregoing thirty-six pages contain a true and perfect copy of the document marked B., originally filed in the Chancery case, No. 41, Cavazas et als. *vs.* Stillman et als, and Law case, No. 134, Cavazos *vs.* Mussina, which original is withdrawn by leave of the Court and this copy filed in its stead.

In testimony whereof I have hereunto set my hand and affix the seal of said Court, at Galveston, this day of in the year of our Lord one thousand eight hundred and fifty-four. [SEAL.]

Translation of Partition between Doña Maria Ignacia Cavazos and Doña Maria Josefa Cavazos.

DISTRICT COURT OF THE UNITED STATES,
District of Texas.

RAFAEL GARCIA CAVAZOS *et als.*
vs.
SIMON MUSSINA.

RAFAEL GARCIA CAVAZOS and others
vs.
CHARLES STILLMAN and others. } In Chancery.

Translation of a copy of the act of Partition between the heirs of Doña Francisco Cavazos.

(On the outside cover in the handwriting of the Notary.)

$125.

Copy of the writing of estrajudicial partition between the heirs of age (herederes mayores) of Doña Francisca Cavazos, Doña Maria Ignacia, and Doña Josefa, of the same name, the last with the intervention of her lawful husband D. Rafael Garcia.

In the town of Matamoras, on the third day of the month of July, one thousand eight hundred and thirty-five, the twelfth of the installation of the Congress of this State, before me, the Notary Public, and witnesses, appeared present Doña Maria Ignacia Cavazos, a resident citizen of the town of Reynosa, and D. Rafael Garcia, who is so of this town, as the husband and married representative (unjunta persona) of Doña Josefa Cavazos, and said: That Doña Francisca Cavazos having died in this said town on the twenty-ninth of May last, the said parties, under the testament which she had made on the twenty-second of October, one thousand eight hundred and eighteen, before the Alcalde, D. José Ramon Garcia, who was so of this same town, and assisting witnesses, for want of a Notary Public, with the competent number of instrumental witnesses, and by which she instituted as her universal heirs the aforesaid Doña Maria Ignacia, and Doña Josefa Cavazos, the first her sister and the last her niece, accepting her inheritance with the benefit of inventory, proceeded extrajudicially and amicably, on account of being of age, and with the intervention of D. Juan Treanor, as special attorney in fact of the one, and D. Rafael Garcia, as lawful husband of the other, to the enumeration (faccion) of all the goods, credits, property and effects, which were found belonging to the estate, which were valued by the respective experts, whom they unanimously chose: that the said inventory having been taken to their complete satisfaction, and as such they approved it anew; and

considering that to name judicial accountants for the division would occasion increased expenses, they determined to make by themselves the appointment of a person of sound information and worthy of their mutual confidence, who, in accordance with it, proceeded to draw up the corresponding statement of the division (divisoria). And in order that no doubt may ever arise as to its correctness, by common consent they agreed to reduce to the form of a public instrument, as well the inventories and valuation of the property, as the aforesaid statement of the division: and to effect this they present the said documents, in order that I may annex them to this writing, enrolling them in my protocol in continuation hereof. And in order that the aforesaid extrajudicial partition may have the force, validity and stability that the interested parties desire in it, in the most effective mode and form admitted by law, being informed of their powers, by their free and spontaneous consent, they grant (otorgan) that they approve, ratify and acknowledge as done in perfect form and with the proper requisites, and if necessary they go over again (formalizon de nueve) the aforesaid partition with its preliminaries, inventory of the estate, deductions, adjudications, declarations, and all the rest that it contains: and that they acknowledge as delivered to their satisfaction the property set off for each one of the aforementioned heirs respectively, and as its delivery does not appear as present, although it has been certain and real, as they confess, they renounce the exception of its not being done, which they might raise, the ninth law of the first title, of the fifth partida, which treats of it, and the two years which it fixes for the proof of its receipt, which they acknowledge as having passed, as if they really were so, and they make in favor of each the most effectual receipt and defence, which may conduce to their security; and in consequence, they divest of power, desist, abandon and renounce, for themselves and their heirs and successors, the dominion, property, possession, title, claims, recourse, or any other right which belongs to them jointly (indistintamento) or could belong to them, whilst their joint estate existed in the aforesaid property, and each individual thing of the inheritance, and they cede, renounce and transfer it all, entirely and reciprocally, together with the real, personal, pesseory (utiles) mixed, direct, executory and other actions, which may belong or have belonged to it (*i. e.* the property) or any single article (alhaja) without the least reservation, seeing that they have satisfied and reinstated each other, by which has been set off to her, in the full amount of her part belonging to the inheritance of their aforesaid sister and aunt, on which account such actions as they had during the joint estate are satisfied, extinguished and at an end, because they have been compensated for them by such division: and they confer on each other the most ample, absolute, firm and irrevocable power that they require, with the free, unembarrassed and general

administration, and the power of substitution, and constitute each other attorneys and principals (procuradores actores) in their own business, in order that each one of the heirs may take and appropriate the real holding and possession of the property that has been adjudged to her in the aforesaid division, and may sell, exchange, use and dispose of it at her pleasure and election, as of her own property acquired by a just and lawful title, as indeed it is by the adjudication that has been made to her, and by this instrument, an authorized copy whereof they desire should be given to each one, inserting its statement of partition, preliminaries, declarations, and the other matters thereunto appearing, in order that it may serve them as a lawful title to their portion, with which, without any other act of possession (aprencion), it may be seen that they have transferred to both and each of the two, the possession and dominion of whatever has fallen and been adjudged to them, and in the meantime they constitute each other their lessees, tenants, and temporary possessors (precarios posedores) in legal form.

And they declare that, in the valuation of the property included in the inventory, and in the liquidation, deductions, amount, and quality of that set off for either of the heirs, there is no lesion, deceit, nor the slightest injury since this has been done with integrity and honesty (pureza), and the proportion corresponding to the part of each one, in all its classes, has been observed in the distribution and division, without injury to them, and in case this should have happened, whether it be committed in a material error of calculation or in the mode and form of liquidating, deducting, setting off, distributing, or in anything else which, through forgetfulness or ignorance, they may not have had in mind, they remit and release to each other the amount, whether it be great or little, to which it rises, of which they make to each other a mutual gift and donation pure, perfect and irrevocable between the living (entrevivors) by this public declaration (un insinuacion), and all the other bonds of the law; and for greater abundance, they renounce the fourth law of the seventh title, book fifth of the Royal ordinances (real ordenamiento), which treats of things sold and exchanged, and of other contracts in which there is a lesion in a greater or less amount than the half of the value, and of the four years which it prescribes for demanding a revision of the aforesaid contracts, or the making up of the legitimate and true value of the thing contained in them, which (*i. e.*, the four years,) they acknowledge as passed, as if they had actually elapsed, in order never to avail themselves of aid from them; and they bind themselves that if, at any time, any other property, credits, or effects shall be discovered belonging to the estate of the aforesaid Doña Francisca Cavazos, their deceased mother and aunt, they will divide them between themselves in the same proportion as those in the inven-

tory, without any difference, and with the same mode of estimating their shares, and they will pay the debts which may appear against the estate, to all which they may be compelled, by the full rigor of the law and execution process, as well as to the payment of the costs, injuries, and damages which she, who may take possession of the property which may be discovered, may occasion her co-heir, by resisting its production, in order to divide it between both, or by delaying it maliciously, or by not making, through any ill humor, punctual payment of the part belonging to her, of the debts which may appear against the estate, on the amount of the whole being stated in an account, sworn to by her co-heir, or any one who may represent her, without any further proof or authentication, since they mutually dispense with it; and in pursuance of what is ordered by the ninth law, fifteenth title of the sixth partida, they bind themselves mutually, also, for the eviction, safety, and soundness of the property set off to each one of the two respectively, and that if any of the real or leasehold (productive) property (*i. e.*,) that which brings in an income or profit (redituable), should fail on account of belonging to some third person, or should be mortgaged or encumbered by some burthen or liability, not here set down through ignorance or any other legal cause, not herein expressly stated, the other heir shall reimburse her for what she loses, and for what ought to be repaid her, and should a suit be brought as to such property, or any part thereof (cualquiera finca), however little it may be worth, each shall appear for its defence, upon being required in conformity with law; and, on the other hand, if one does not inform the other within the limits which the law provides, the negligent party shall pursue the suit at her own cost, in all courts until execution, and until the other is left in quiet and peaceable possession, without having to expend or disemburse the smallest amount.

And if, when once requested and cited in eviction, in the manner before stated, she should not prosecute the suit, the defendant must continue it, and shall not be obliged to summon her again in any stage of the cause, since the first citation must be, and be understood to be, peremptory as respects all the steps in the suit in any Court, and in this case should she obtain a favorable sentence, she shall receive and be paid all the costs and damages stated to have been incurred or exacted of her, whether she pursue the suit by herself, or avail herself of the aid of another, whom she may satisfy for the trouble of his case. And should she be deprived of the estate or estates in litigation, she must not only be compensated and reimbursed for the aforesaid expenses, costs, and damages, but also for the value at which the estates lost, were set off to her, and of the fruits which she may have restored by virtue of the judgment without the slightest diminution, under the penalty of execution and costs against the party failing, the account be-

tween the heirs being balanced upon the understanding, that if the property existed without being divided, the loss would all come out of the common mass, and each would receive so much less, and neither in order to excuse herself from contribution and payment shall attempt to impute the loss to the fault or negligence of the other, since she shall not be heard as to this in the courts, unless the other shall abandon the suit without making any defence, or shall not appeal from an adverse decision at the proper time, and in due form; or shall compromise it without the express previous consent and assent in writing, of her co-heir, or be liable to some of the other causes, by which, according to law, there arises no obligation on eviction for compensation of which causes the thirty-sixth and thirty-seventh laws of the fifth title, of the partida treat, since in those cases, and not in any other whatsoever it may be, they are not, nor can they be bound by such obligation. And they also bind themselves not to object to this instrument, nor to oppose its contents in whole or in part; and if they should attempt it, besides that they ought not to be admitted to do so, judicially nor extra judicially, they shall moreover be considered, by this very act, to have approved, ratified, and granted it anew, with greater obligation and effect. And for the conformation and validity of all things hereinbefore set forth, they bind their property and revenues, present and future, with complete and full submission, (con poderio y submision) to the Judges and Tribunals of the Mexican confederacy, and those of this State, in order that they may compel them to their fulfillment, with the rigor of a judgment by consent invested with the authority of a final sentence, (cosa adjudicator) or in whatever may be most suitable. So they have said, granted, and signed.

D. DEMETRIO SALAZAR,
D. HILARIODE DE MERZA, and
D. JOAQUIN ARGULLES,

Resident citizens, here present, being witnesses.

MARIA IGNACIA CAVAZOS,
JOSEFA CAVAZOS,
RAFAEL GARCIA CAVAZOS.

Before me,

BACH'R PEDRO P. PELAEZ, *Notary Public.*

In the original, after what has been translated on the foregoing pages, follows the papers, inventories, accounts, and statements of the respective portions of the heirs, referred to in the agreement or act. It seems unnecessary to translate these at length, as most of them have no bearing on this case, and it will probably be sufficient to state their general substance, and translate only the passages referring to the property in controversy at the present time, reserving the right to submit the whole of the original as evidence, and offering to translate it whenever required.

The first document attached to the act of partition is an inventory of the estate of D. Blas Maria de la Garza, the aggregate value appearing to be $8,484 00. Among the items is the following:

"Twenty sitios (leagues) of land in the estate (agostadero) of "Espiritu Santo, at two thousand dollars, $2,000."

Next follows the inventory of the estate of Doña Francisca Cavazos, the aggregate value being set down at $3,502, not including a number of tracts of land and debts not valued. Among the items is the following:

"Ten sitios of land more or less (no cabales) in the Agostadero "del Espiritu Santo, at two thousand five hundred dollars, "$2,500."

Next follows the partition of the estate of Doña Francisca Cavazos, made by D. José Secundino Mora, appointed by consent of the heirs for this purpose.

In effecting this, he states that as D. Blas Maria de la Garza left one-fifth of his estate to Doña Josefa Cavazos, and the remainder to his wife, Doña Francisca, and as the latter had retained the whole during her lifetime without a division, it is first necessary to distribute that estate. He then sets forth with great minuteness the provisions of the testament of D. Blas, the property he left and its valuation.

	$	z.	g.
From the account he states between the heirs, it appears that the fifth devised to Doña Josefa amounted to, after deducting the debts due from the estate, etc.,	841	3	3
This amount was retained by Doña Francisca from August 15th, 1802, and the interest from that date to the time of the present partition, in favor of Doña Josefa amounts to	1,382	6	6
The expenses of the funeral of Da. Francisca were	118	1	6
Making the charges against the estate of Da. Francisca,	2,342	3	3
After stating with equal minuteness the provisions of the testament of Doña Francisca, and the valuation of the property she left, he makes the gross value of her estate	3,531	0	0
Less the above charges	2,342	3	3
Nett,	1,188	4	9
Of this one-half descends to each heir by the will, so that each must receive from the estate	594	2	4½
The share of Doña Ignacia is then	594	2	4½

Of Doña Josefa	594 2 4½
With the addition of the charges in her favor, *i. e.*,	
1st. The orignal value of the bequest of D. Blas,	841 3 3
2nd. Interest thereon as above,	1,382 6 6
Total amount of her share,	2,818 4 1½

After ascertaining the value of the respective shares, it is next necessary to apportion the estate of Doña Francisca, or to distribute the specific property belonging to that estate, so as to satisfy each heir.

The estate consisted of the following:

Let there be set down to the estate three thousand three hundred dollars, at which they have valued fourteen sitios of land in the Agostadero del Espiritu Santo and Sombresteillo,	$3,300
Item. One hundred and fifty dollars, at which is estimated half a city lot with a hacal	150
Item. Fifty-two dollars for the furniture and clothing,	52
Item. Twenty-nine dollars in ready money	29
	3,531
The estate of Sombresteillo, containing four leagues was given to Doña Ignacia, its value being	800 0
The share of Doña Ignacia was deducted, viz.:	594 2 4½
Balance due the estate,	205 5 7½
Out of which deduct the funeral expenses as above,	118 1 6
There remains due from Doña Ignacia to Doña Josefa, the sole remaining heir,	87 4 1½

To Doña Josefa was therefore assigned the rest of the estate, viz.:

The sitios in the Agostadero del Espiritu Santo, valued at,	2,500 00
The half lot and hacal	150
The ready money	29
The furniture and clothing	52
The balance due from Doña Ignacia	87 4 1½
Making her share as above	2,818 4 1½

There remained undivided on account of want of definite information as to amount and value, several tracts of land, debts due the estate, etc., as to which special agreements were made.

The passages in which reference is made to the tracts of land now in controversy, by the commissioner appointed for the petitioner, are the following:

In stating the inventory of the estate of D. Blas Maria de la Garcia.

Item. Two thousand dollars, value of twenty sitios of land not stated in the testament but appearing to be his property $2,000

In stating the inventory of the estate of Doña Francisca Cavazos, as before translated, page 11.

In stating the property assigned to Doña Josefa Cavazos,

"Adjudication and payment—There are given in payment to Dona Josefa Cavazos, ten sitios of land more or less (no cabales) in the agostadero del Espritio Santo, valued at two thousand five hundred dollars, 2,500"

etc., etc.

The petitioner appointed for the partition, concludes the statement of his settlement of the accounts in the following words:

With which declarations I conclude this partition, which in accordance with the documents exhibited to me and returned to those who delivered them to me, and under the oath I have taken, I have executed correctly and faithfully according to my skill and understanding (intelligencia), without wronging the interested parties.

In testimony whereof I sign these presents in the town of Matamoras, on the thirtieth of June, one thousand eight hundred and thirty-five.

JOSE S. MORA.

I approve this account of division (cuentra divisoria).

MARIA IGNACIA CAVAZOS.

We approve this account.

JOSEFA CAVAZOS,
RAPHAEL IGNACIA CAVAZOS.

The above agrees with its originals, which are filed (archivados) in the protecal under my charge. And in order to deliver this copy to D. Rafael Garcia, as lawful husband of Doñ Josefa Cavazos, I have caused the present transcript to be made, which is written on twenty-one legal leaves, of which the first and the last belong to a sheet of the first seal. Town of Matamoras, July seventh, one thousand eight hundred and twenty-five, and twelfth of the installation of the Congress of this State.

Bach'r PEDRO P. PALAEZ.
Not. Pub.

[SEAL.] The foregoing is a correct translation of the original on file in this cause. Made in accordance with an order of the court.

WILLIAM G. HALE.

Deposition of Don Joaquin Argüelles.

(*On the outside leaf.*)

Num'a 6.

Matamoras, May 1a, de 1850.

Diligencias practicadas en el negocio que siguen en la Corte del Distrito de Tejas, las Señores Don Rafael Garcia Cavazos y Da. Maria Josefa Cavazos, su esposa, y Da. Estefana Goseascochea de Cortina, contra Don Simon Mussina.

JUSGADO DE 1A. INSTANCIA,
CON TESTIGO DE ASISTENCIA.

Vo hay papel sellado del que que corresponde en la oficinia del ramo.

Matamoras, Mayo 10, de 1850.

Vista la carta Requisitoria presentada por Don Guillermo G. Hale, encargado de pedir su cumplim'to obsequiese en un todo por este Jusgado lo que en ella uncarga, requirente por quien ha sido espedida, a cuyo, fin serán escamanados todos los testigas que el mismo S'or Hale presente y sean comprehendidos en el interrogatorio que ha dicha carta es adjunto. Lo mande y firmé yo el ciudadano Pedro José de la Garza, Alcalde 1o. constitutional de este ciudad y Juez de Va. Instancia del departamiento del Norte de Tamaulipas, actuando con testigos de asistencia por ocupacion del Escribano Publico, doy, fé.

PEDRO J. DE LA GARZA.

Assa. Assa.
Leonardo Espinosa. Cristoval Leal.

En la ciudad de Matamoras á primero de mayo de mil ochocientos cincuento años presente en el Jusgado el Escribano Publico Don Joaqüin Angüelles, uno de los testigos de que hase mencion en el auto anterior la recibe juramento que hizo en la forma dispuesta por darecho á cuyo cargo ofrecio decir verdad en lo que supiere y fuere preguntado y siendalo al tenor de la dicha interrogatorio contestó.

A la primera: Que conoce á las partes que litigan y cuyos nombres están escritos en el encabesado del mismo interrogatorio.

A la segunda: Que ecsaminado en efecto de documento marcado con la tetra A. vé que está subscrito por el Escribano Antonio Escovado, suya es la letra y de la firma y subscrivicion, y á quien conocia perfectamente; que de dicho individuo tiene noticia fallecio en el Puerto de Tampico, del Estado de Tamaulipas, pero que no puede responder por la Sertesa de esta noticia; que conocia su letra y firma y per eso ha dicho ser la que estampó al fin del documento como Escribrno Publico.

A la tercera: Que el lugar llamado en el documento esta congregacion de nuestra Señora del Refugio es hoy y se llama ahora la ciudad y Puerto de Matamoras, que el repetido Escribano D. Antonio Escovedo lo era yá cuando lo firmó y ejercio su oficio con aprobacion superior conforme á las leyes del pais, por las que se le reconocia como tal ministro publico que daba y sus actos la fé y credito que meresen todos los de aquel que es generalmente reconocido por Escribano Publico.

A la cuarta: Que ecsaminado el documento marcado con la letra B., y que es el de la particion á que se refiere la pregunta lo encuentra firmado y sellado por D. Pedro Pablo Palaez á quien conocia perfectamente por haber practicado con el en su oficio de Escribano Publico que no sabe si es vivò ó muerto por que desde que marchó de Mejico para Masatlan no há vuelto á tener noticia suya pero si está seguro que la firma y sello al fin de la dicha copia, es la suya y la misma que usaba y acostumbraba, y que tenia dicho Pelais el titulo de Bachiller ademas del de Escribano y lo usaba en su firma.

A la quinta: Que ejercia dicho Don Pedro Pablo Palaez el oficio de Escribano Publico en esta ciudad cuando firmó dicha copia, en conformidad con las leyes del Estado y de la Republica, y asi era tambien con arreglo á ellas generalmente reconocido por Escribano Publico.

A la sesta: Que teniendo a la vista el documento marcada con la letra D., declara: que conoce perfectamente la letra y firma el S'or D. Juan Prado que lo subscribe, y esta sierto por la misma que es suya y de su puño la que estampo en el lugar preferente, de la orden que es al lado izquierdo siendo la del derecho del Escribano Publico Pelais que en este caracter lo autorizó.

A la septima: Que en finis del año de 1844, a presumptos del de 1845. Se fué por ultima vez de esta ciudad sin haber resulto á ella que en esta epoca y en otros intermedias de los años anteriores en que solia mudar su residencia á otras partes no ejercia aqui y que cuando fué para no valver quedaban actuando en esta ciudad como Escribano Publicos tambien D. Leandro Ramires y de declarante.

A la octava: Que há visto un testimonio del titulo de tierras del Espiritu Santo á favor de D. Salvador de la Garza, y que la primera vez que lo vió creó que fué á manos del finado Dn. Juan José Tijernia ó de su apaderado D. Moesimo Treviño Garza pero que no recuerda con ecsatitud cuando tubo este lugar.

A la nona. Que como entendiente esta pregunta se contrae al titulo viejo ó primitivo solo padra decir lo que sobre ello supo de su escribiente D Leonardo Espinosa que llego á verlo y fué que en efecte dicho titulo presentaba todo el caracter de un instrumento muy antiguo y aun se encontraba vaido y ilegible en algunos peguinos lugares, que por ser de dobles se otra motivo habian padesido.

A la decima: Que precisaimente la vez primera que en testimonio mi dicho titulo fué con el objeto segun recuerda de dar una compulsa al finado D. Constantine de Tarneva teniendo lo despues de nuevo á la vista para otra compulsa á D. Juan Trenor como apoderado de D. Rafael Garcia Cavazos, las cuales mandó sacan y firmadas y signadas de su puño las entrego interesados.

A la undecima: Que no hay ni es en Mejico una cosetumbre ó regla fija para escriba todas las nombres con que una persona pueda titularse para distinguirse que otra del mismo nombre y appelido como por lo regular lo vé practicar en esta ciudad, aumentandose algunos uno se otro (mas claro las muegres el de Maria y los hombres el de José) pero que este de ninguna manera se reconoce como regla general para que escribiendo esos mismos nombres personas distentas dijen de poner poder, sin que serta el mismo efecto se valdro el mismo ejemplo de la pregunta mas veces Maria Josefa Cavazos y otras Josefa Cavazos siendo de ma y otro modo usual en la es escritura.

A la decima tercera y ultima: Que no sabe niniguna otra cosa que puede concirnir a las partes ni á la importancia de su dicho, siendo lo espuesto la verdad en cargo de su juramento. que es vecino de esta ciudad, casado, o de trenita y cinco años de edad, y firmó conmigo y los de mi assa, doy fé.

DE LA GARZA.

JOAQUIM ANGUELLES.

Assa. Assa.
Leonardo Espinosa. Cristoval Leal

Matamoras, Mayo 3d, de 1850.

Habiendo pedide vervalmente el S'or Licentiado Don Guillermo G. Hale que en el estado que guarden estas diligencias se le devuelvan para remitirlas á la Corte requirente en tal virtuo entreguense originales y bajo sus cubiertas respectivas. Lo mande y firme yo el Alcalde Va. constitutional de esta ciudad Juez de Vo. inst'a del Departmente del Norte de Tamaulipas, actuando con testigos de asistencia por la razon dicha doy fé.

DE LA GARZA.

Assa. Assa.
Leonardo Espinosa. Cristoval Leal.

En el mismo dia mes y año se cumplio con lo dispuesta en el ante anterior y paaa constancia pongo la presente diligencia, que firmó con las de mi asistencia con quienes actue por la razon dicha doy fé.

DE LA GARZA.

Assa. Assa.
Leonardo Espinosa. Christoval Leal.

(*On the Envelope.*)

NEGOCIO DE D. RAFAEL GARCIA CAVAZOS
contra
SIMON MUSSINA.

A la Corte de Distrito de Tejas uno de los Estados Unidos del Norte America.

Del Jusgado de Ia. instancia del Departamento del Nte. de Tmaps. en Matamoras.

June 4, 1850. Rec'd from Wm. G. Hale, Esq., and filed same day.

JAMES LOVE, *Clerk.*

Opened by consent of counsel, Nov. 14.

JAMES LOVE, *Clerk,*
By GEORGE B. JONES, *Deputy.*

Translation.

DISTRICT COURT OF THE UNITED STATES,
District of Texas.

RAFAEL GARCIA CAVAZOS, *et al.*,
vs.
SIMON MUSSINA.

Translation of the proceedings had in the Court of the First Instance in the City of Matamoras, in taking the deposition of Don Joaquin Argüelles, on the part of the plaintiffs in the above entitled cause.

(*On the outside cover.*)

Number 6.

Matamoras, May 1, 1850.

Proceedings had in the suit in which D. Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, his wife, and Doña Estefana Goseascochea de Cortina, are prosecuting against D. Simon Mussina.

Court of the First Instance, with assisting witnesses.

There is no sealed paper of the corresponding stamp in the office of the administration.

Matamoras, May 10, 1850.

Taking into consideration the Letter Rogatory presented by William G. Hale, authorized to desire its execution, let every thing requested in it by the Judge by whom it has been issued be

complied with by this Court, for which purpose all the witnesses presented by the said Hale, whose names are contained in the set of interrogatories annexed to the said letter, shall be examined. I, the citizen Pedro José de la Garza, First Constitutional Alcalde of this city, and Judge of the First Instance of the Department of the North of Tamaulipas, have thus ordered and signed, acting with my assisting witnesses, on account of the occupation of the Notary Public. I certify,

PEDRO J. DE LA GARZA.

Ass. wit. Leonardo Espinosa.

Ass. wit. Cristoval Leal.

In the city of Matamoras, on the first of May, one thousand eight hundred and fifty, the Notary Public, D. Joaquin Argüelles, being one of the witnesses mentioned in the foregoing order, being present in this Court, I administered to him the oath, which he took in the form prescribed by law, upon which he declared to state the truth as to what he might know and should be asked: and being so asked in conformity to the said interrogatories, he answered,

To the 1st: That he is acquainted with the parties litigant, whose names are written in the caption of the same interrogatories.

To the 2d: That upon an actual examination of the document marked with the letter A., he sees that it is subscribed by the notary, D. Antonio Escovedo, the handwriting both of the signature and subscription is his, and that he is perfectly well acquainted with it; that he has been informed as to this individual, that he died in the port of Tampico, in the State of Tamaulipas, but that he cannot answer for the accuracy of this statement; that he was acquainted with his handwriting and signature, and on this account has said that it was that which he affixed at the end of the document as Notary Public.

To the 3d: That the place called in the document "Esta Congregacion de Nuestra Señora del Refugio," is now and is called the city and port of Matamoras; that the aforesaid notary D. Antonio Escovedo was such when he signed it, and discharged the duties of his office, with the approval of the government, according to the laws of the country, by virtue whereof he was recognized as such public officer, and gave to his acts the faith and credit which all those of one generally recognized as notary public deserve.

To the 4th: That upon the examination of the document marked with the letter B., and which is the partition referred to in the interrogatory; he finds it signed by D. Pedro Pablo Pelais, with whom he was very well acquainted, in consequence of having acted with him in his office of notary public; that he does not know whether he is living or dead, because he has heard no news

of him since he went from Mexico to Mazatlan, but he is certain that the signature and seal at the end of the said copy is his own, and the same which he used and was accustomed to employ, and that the said Pelais had the title of Bachelor (Bachiler) besides that of Notary, and used it in his signature.

To the 5th: That the said D. Pedro Pablo Pelaez had the office of notary public in this city when he signed the said copy, in conformity to the laws of the State and the republic, and was also in conformity with them generally recognized as notary public.

To the 6th: That having under his eyes the document marked with the letter D., he declares that he is perfectly well acquainted with the handwriting and signature of D. Juan Prado, who subscribed it, and that on this account he is certain that the signature, which he has affixed in the principal place of the order—i. e., on the left hand—is his own, and written with his own hand, that on the right being that of the notary public, Pelaez, who by this signature authorized it, (i. e., gave it sanction or validity.)

To the 7th: That at the end of the year 1844 or beginning of 1845, he left this city for the last time, and has not returned to it; that at this time, and in some other seasons of the former years, in which he used to change his residence, he did not act here; and that when he left, not to return again, there remained in this city acting as notary public, both D. Leandro Ramires and the deponent.

To the 8th: That he has seen a copy (testimonio) of the title of the lands of Espiritu Santo, in favor of D. Salvador de la Garza, and that the first time he saw it, he thinks it was in the hands of the deceased Don Juan José Tijerina, or of his attorney, D. Mariano Treviño Garza, but that he does not recollect with precision when this took place.

To the 9th: That as he understands this interrogatory it is limited to the old or primitive title, he can only say what he has learned with regard to it from his clerk D. Leonardo Espinosa, who has seen it, and this was that the said title in fact presented all the appearance of a very old instrument, and was found to be worn and illegible in some short passages, which on account of the paper being folded or some other reason had suffered injury.

To the 10th: That the very first time he saw the said title in a copy (testimonio) was with the object, he recollects, of giving a compared copy (una compulsa) to the late D. Constantino Tarnava, examining it afterwards for another compared copy for D. Juan Treanor, attorney in fact for D. Rafael Garcia Cavazos, which copies he ordered to be transcribed, and having subscribed them, and marked them with his sign with his own hand, he delivered them to the parties interested.

To the 11th: That there neither occurs or exists in Mexico a fixed custom or rule for writing all the names by which an individual may be designated, to distinguish him from another of

the same name and surname, as it is usually done in this city by some persons adding one name, and some another, or more definitely, the women taking that of Maria and the men that of José, but this is in no manner considered as a general rule to prevent distinct persons from being referred to in writing the same names, but the same effect is produced (employing the example given in the interrogatory, sometimes) by Maria Josefa Cavazos, and at other times by Josefa Cavazos, either mode being used in writing.

To the 13th and last: That he knows no other matter that can concern the parties or be of importance as to what he has said, what he has stated being the truth upon his oath, that he is a resident of this city, married and thirty-five years of age, and has signed with me and my assisting witnesses. I certify.

JOAQUIN ARGUELLES.

DE LA GARZA.

Ass. wit. Ass. wit.
Leonardo Espinosa. Cristoval Leal.

Matamoras, May 3d, 1850.

The Licenciate William G. Hale, having asked verbally that these proceedings in their present state, be returned to him to deliver to the Court which requested their execution, in virtue thereof, let them be delivered to him in the original under their respective covers. I, the First Constitutional Alcalde of this city, Judge of the First Instance, of the department of the north of Tamaulipas, acting with assisting witnesses for the reason aforesaid, have thus ordered and signed. I certify.

DE LA GARZA.

Ass. wit. Ass. wit.
Leonardo Espinosa. Cristoval Leal.

In the same day, month and year what is ordered in the foregoing decree was complied with, and as proof thereof I make this statement which I sign with my assisting witnesses with whom I act for the reasons aforementioned. I certify.

DE LA GARZA.

Ass. wit. Ass. wit.
Leonardo Espinosa. Cristoval Leal

On the Outside Envelope.

Suit of D. Rafael Garcia Cavazos, against Don Simon Mussina.

To the District Court of Texas one of the United States of North America.

From the Court of the First Instance of the Department of the north of Tamaulipas in Matamoras.

The foregoing is a correct translation of the original made in pursuance of an order of the said Court in the above entitled cause.

WM. G. HALE,
Att'y for Pl'tffs.

Deposition of Juan Nep. Molano.

(In same package with those of Carceres, Rodriguez, Canoles and Cardenas.)

A los doce dias del citado mes de Noviembre presente en el Jusgado el Señor Don Juan Nepomuceno Molano el Señor Juez le recibio juramento por Juez nuestro Señor y una señal de cruz bajo el cual ofrecio decir verdad en lo que fuere preguntado y siendale al tenor del interrogatorio presentado por los demandadores de D. Simon Mussina, ante el Corte de Distrito para el Distrito de Texas de los EE. VV. de America.

A la primera pregunta que contiene dijo: Que conoce á los citados demandadores, Don Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, y Doña Estefana Goseascochea de Cortina, y que no conoce al Señor Mussina.

A la segunda: Que nunca ha sido Escribano Publico.

A la tercera: Que fué Alcalde Primero constitucional de la ciudad de Matamoras en todo años de mil ochocientos treinta y seis y que tambien ejercio un emplió un dicho Puerto en los seis primeros meses del año siguiente mil ochocientos treinta y siete.

A la cuarta: (Poniendosele de nuevo de manifesto el documento marcado con la letra L. que se halla agregado, ó que debe agrearse á la prueva promovida por dichos actores en el otro juicio que tambien siguen en la chancilleria) dijo que respité que la firma que se halla al calce de su nombre y apellido es la que ha usado y una y que es suya propia y que las de Mayerga y Galindo son los que estos usan.

A la quinta: Que dicho documento es esacto fielmento sacado de su original.

A la sesta: Que el referido titulo original lo presento Don Juan José Tijernia que este señor era pariente de Don José Salvador de la Garza.

A la septima: Que come ha transcurrido tanto tiempo desde que fué hecho la copia no recuerda el estado en que se hallaba el original.

A la octavo y ultima: Que no sabe otra cosa se afirmó y ratifico en lo espuesto leida que le fué esta declaracion y la firmó con su merced por ante mi de que doy fé.

JACOBO MART'Z,
JUAN NEPO, MOLANO.

Ante mi,
CEPO. GUERRERO.

Translation.

On the twelfth day of the said month of November Don Juan Nepomuceno Molano, being present in the Court, the Judge administered to him the oath by God our Lord with the sign of the Holy Cross, upon which he declared that he would speak the truth as to all that he might be asked, and being interrogated according to the tenor of the interrogatories presented by the plaintiffs in the suit against Simon Mussina, before the District Court of the United States of America.

To the 1st Interrogatory contained therein he said: That he is acquainted with the plaintiffs, D. Rafael Garcia Cavazos, Doña Maria Josefa Cavazos, and Doña Estefana Goseascochea de Cortina, and that he is not acquainted with Mr. Mussina.

To the 2d Interrogatory.—That he has never been Notary Public.

To the 3d Interrogatory.—That he was first constitutional Alclade of the City of Matamoras in all the year one thousand eight hundred and thirty-six, and that he also held said office in the said Port in the first six months of the following year, one thousand eight hundred and thirty-seven.

To the 4th Interrogatory.—Exhibiting to him again the document marked with the letter L., which is annexed or to be annexed to the testimony sought by the same plaintiffs in the other cause, (which they are likewise prosecuting in chancery,) he said: That he repeats that the signature (forma) on scroll, which appears at the end of his name and surname, is that which he used and uses, and is his own, and those of Mayorga and Galindo are the same as they use.

To the 5th Interrogatory.—That the said document is exactly and faithfully copied from the original.

To the 6th Interrogatory.—That Don Juan José Tijerina presented the said original title, and that this person was a relative of D. José Salvador de la Garza.

To the 7th Interrogatory.—That as so long a time has passed since the copy was made he does not recollect the condition in which the original was.

To the 8th and Last Interrogatory.—That he knows nothing more, and this deposition having been read over to him, he confirmed and ratified all that he had stated, and signed with his honor, before me, which I certify.

JACOBO MART'Z,
JUAN NEPO. MOLANO.

Before me,
CEPO. GUERRERO.

Document marked H., being the Title of José Salvador de la Garza to lands in the Potrero del Espiritu Santo, dated 1771. *Copy. Original withdrawn by leave of Court.*

Mexico y Sepro 26, 1781.

Titulos de tierras que se hallan en el Potrero nombrado del Espiritu Santo. Marjenes de las Lagunas de la Mar, del Seno Mexicano Conquistados por Don José Salvador de la Garza vecino de la villa de Camargo en el año de 1771—Mexico y Setiembre veinte y seis de 1781—Titulo de composicion, adjudicacion y merced, de cinquenta y nueve sitios de ganado mayor y cuya caballerias de tierra hecha por el Sñr. Juez Privativo de tierras de este Reyno, y confirmada por la Real Audiencia a favor de Don José Salvador de la Garza, vecino de la villa de Camargo, en terminos de la Colonia de Santander. Don Francisco Xavier de

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Gamboa del Conjaso de su majestad su oidor en la Real Andiencia de esta Nueve España, y Juez Privatiro de rentas y composiciones de tierras y aguas en el distrito de dicho Real Andiencia &a. Por cuanto ante mi y en este mi Jusgado Privatiro se han seguido autos á pedimento de Don José Narciso Cavazos. Vecino y poblan de nuestra Señora de Guadaloupe de Reinosa en el Seno Mexicano fido se admitijo a composicion por un Potrero nombrado Santa Rita y habiendose librado el acordado para se practicasen las diligencias que en el se primenero a fin de su portension en suio acto contradijo á ella Don José Salvador de la Garza, expresando que dichas tierras se contienen dentro del Potrero que nombran del Espiritu Santo el que tenia denunciado desde el año de setenta y dos ante el Teniente G'ral, de de aquella Colonia quien le mando occuriese a esta Jusgado y habiendolo ejecutado por poderes que dió, y efectos para el asunto no lo pudo consegnir por omicion de los apoderados. En cuia vista de las diligencias practicadas a pedimento de Cavazos, y lo alegado por una y otra parte—por auto y de viente y seis de Noviembro del año pasado do setecientos stenta y sieto, declaro no haber lugar la composicion del parage de Santa Rita, pretendida por Cavazos y mandé que a D. José Salvador de la Garza en conformidad de la denuncia que tenia hecha anticipadamete ante el Teniente General de la Colonia y que habia reiterado en este jusgado se lo librase dispacho para que el teniente mas sercano practicase las diligencias de Acudado. En

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criro obedecimiento El Teniente de la Villa de Camargo procedio a recebio la informacion que sigue. En la villa de Santa Ana de Camargo en el intado dico quinze del mas de Junio, de mil setecientos, setenla y nueve años. Ante mi Don Juan Antonio de Echane. Teniente de Justicia Mayor de este villa, y Juez Comisario en estas diligencias y de los testigos de asistencia Don José Salvador de la Garza presente por primero testigo, á Don Salvador Vela, vecino de esta villa y en su persona que doy fie conosco le recibi juramento que hijo en toda forma por Dios nuestro Sôr. y la señal de la Santa Cruz, bajo del cual prometio decir verdad en lo que supiere, y fuera preguntado y siendolo como tengo mandado, dijo que el Potrero que conose por del Espiritu Santo tiene por terminos y linderos, el Arroyo Colorado, las Lagunas de la Mar, el Rio Grande, y por la parte de la entrada, un monte espeso, que sabe que el primero que pablo dicho potrero, fue D. José Salvador de la Garza, quien lo ha poseido, y poseren con otras varios que mucho despues los puso a su arrimo habiendo como de ocho años a este parte poco mas ó menos que lo poblo que sabe que con validios, y Realengas por no haber les conocido dueño que esta es la verdad, *i. o.* cargo del juramento que tiene fecho en el que se afirmó y ratifico dijo ser de edad de setenta y cinco años, y que no le tocan las generales y por no saber firmar hice lo yo el

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espresado juez por ante mi y testigos de asistencia con quienes actuo como juez receptor de tras, doy fé.

JUAN ANTONIO DE ECHAVE.

De Asistencia,
Tomas Flores.

In continiente en al referido dia mes y año—Ante mi el supra dicho Juez, y testigos de asistencia para la presente informacion dió por segundo testigo Don José Salvador de la Garza, a Juan Damacio Perez, Español y vecino de dicho villa, y en su persona que doy fü cenosco le vien juramento que hizo por Dios Nuestro Sôr y la seoral de la cruz, bajo cuya religion ofrecio desir verdad en lo que supeira y fuera preguntado, y siendolo como esto pudienido dijo: estando presente la parte a su lojurao como en la primera esposicion que por un lado tiene y forma el Potrero que llaman del Espiritu Santo, el Rio Grande Lagunas de la Mar, Arroyo Colerado, y con lenal espeso del lado de la entrada de el dicho Potrero en cuio sentro tiene algunos charcos quando llove que a poco se secan; que el primero que entro en el rompimiento del monte fué Don José Salvador de la Garza quien lo ha poseido y posie, con otro que a su arrimo, metio mucho despues, que hahia como ocho a nueve años que dicho Don José Salvador lo tiene poblado, que

conose dichas ruinas por ensara raldias, y realengas y que no ha

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cenocido anterinramtote oto muiguno ni lo ha oydo dicir al que haya poblado dicho tierras que esta es la verdad en cargo el juramento que teine fecho, en el que afirmandose y ratifrcandose dijo ser de edad de cincuenta años, y que no la tocan los Generales como tambien no save fiimao firmar y o dicho, Juez ante mi y testigos de asistancia antnando por receptiones, como espresando es de que doy fé.

JUAN ANTONIO DE ECHAVE.

De asistencia, José Lorenzo Treviño. De asistencia, Tomas Flores.

En la villa de Señora Santo Ana de Camargo endies y seis dias de dicho mes y año, ante mi el suyo dicho Juez, y de testigos de asis tencia Don José Salvador de la Garza presente por un testigo por Don Juan Baytisto Garcia, vecino de dicho villa y en su persona que doy fé conosce estando pusento la parte, le timo juramento el que hiso confirmo á derecho por Dios Nuestro Señor y la señal de la Santa Cruz bajo del cual prometio decir verdad en lo que su peira y fuera preguntado, y siendalo como se requiose dijo: que asi edad de veinte y seis años que conoce el Potrero que ahora llaman del Espiritu Santo en imbasoiodes frecida entre los Indios Barbaros cono uno de los primeos pobladores de esta villa y que siempre lo ha consido eias en asi, Valdio o Realengo, y que dicho Pootrer lo pemara por un ledo el arroyo conoido por Colorado por etro las Lagunas immediatis a la Mar, y por tercero al lado del sur el Rio Grande, remindo el cerar por el Poniente con uno espusma al Norte que sano po publico y notorio la habrio y rompio abeindolo contratado Don José Salvador de la Garza quedandolo poblo que habra de ocho á nueve años, sin que antes otro ninguno lo hubiera echo y vue a en arrimo oaso y lo consta á mantimas a otros sugotos que metio despues que el entro y doblo dicho tierra en la que ha visto unas cercas, y traucas que sierve, para cerrar la puesto todo

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hecho por dicho Don José Salvador de la Garza, el que ha gosado y mantenido en el sus bienes asta la presente, y que en dicho Potrero on ay aguaja permanentos, mas que el del Rio Grande, que esta es la verdad su cargo del Juramento que tena fecho en el que en afirmo, y ratifico dijo que ser de edad de setentu años y que no le tocan los Generales y que no save frimar, firmo lo y o por ante mi y testigos de asistencia un quinos astno como dicho es de que doy fé.

JUAN ANTONIO DE ECHAVE.

De asistancia, José Lorenzo Treviño. De asistencia, Tomas Flores.

En la meneionada Villa dia mes y año, ante mi y este Jusgado, y de testigos de assistancia presento la parte por quanto testigo para la presenter informacion a Don Lorenzo Serna vecino de esta villa, y en su Persona que asi fé conosco le tome juramento que hiso en todo firma de direcho, per Dios Nuatro Señor, y la señal de la Cruz bajo del cual promitió decir vendad en lo que supriere y lo fuera preguntado de retira da la parte que assistio a ser lo juras dijo, que es nuo de los primeros problanos de esta villa y lo conosee el tiempo en de triente años pero con el motivo de haber sido soldado y per esta razon en aberlo destinado varias destacamentos de esta Provincia nunca etuto en aquelas tiempos en los armas sus compañeros al Potrero que hoy so nombra del

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Espiritu Santo pero que in andubo varias veces y reconoció per haber lo andado per la parte de afuera en el que habitavan solamente Indios Gentiles, hasta que Don José Salvador de la Garza el año de setenta y uno lo ebido para que fuercon juntos a recomser dicho Potrero para ver si ofrecia alguna comodidad para el reparo de los bienes de dicho Don Salvador con quien habiendolo acompañado en el fruon juntos a su reconocimentos, y llegando á una Espisura de un monto que fue por donde les hicieron que solamente pudiera facilitase la entrada la hicieron a furza de hachas y enchyos sin embargo del iresgo que amenasaba de los Indios, y que entrando dentro vieron con estos se retiraron en cuya accion se determinacion à andar per todo el Potrero en lo que gastaneo seis dais.

Que despues siguidamente dicho Don José Salvador metio en el sus bienes de campo, poblando lo con Xascales, que hizo conales y cercas que formasen, y se reconosiese un entrada contromudas en ella por lo que consta de vista no haber sido Poblado anteriormente dicho Potrero por etro alguno en que lo forman dicha Espesada Arroyo Colorado, Lagunas de Mar, y Rio Grande, que es una tierra criasa llona per todas partes de arroyuelos, y charcos que han hecho los crecidas, cresimintos del Rio Grande Arroyo Colorado y Lagunas de la Mar los que inundaso dicho Potrero guarnisiendose la genta, y

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animales en algunas alto que tiene, todo lo tiene visto por haverlo transitado despues repetidas ocasiones en los que consta huvo amigado y conquistado las voluntades de aquellos Indiso dicho Don José Salvador de la Garza dando les reses para que connisero, y ropa para que vistiendo manteniendose con ellos

asta la presente en esta urbanidad de tal forma que algunos de de ellos, y mugeres a su solicitud los ha metido al gumio de mustra Santa fé y casados por mustra Santa Madre Iglesia como se á credita de mantener los dentro de en propria casa como tambrien sabe que a los cuatro años de haber poblado d'ho Potrero metio en el a su arrimo algunos agregados vecinos asido esta villa unos de la de Reynosa, y por la parte de auera, á otres varios, que vivian en sus cercanias; por lo que save y es verdad que el citado Potrero, y sus tierras son baldias, y realengas, todo lo cual declara por las preguntas que se lo hizieron y por ser verdad en ellos se afirmo y ratifico su cargo del Juramento que dicho tiene dijo ser de edad do sesenta años, poco mas ó menos, y por no saber firmar netoca le los generales firma lo yo el espresado Teniento y Juez Comisiendo, por ante mi y testigos de asistencia con quien actuo como es dicho de todo, doy fé.

JUAN ANTONIO DE ECHAVE.

De Asistencia,
José Antonio Treviño.

De Asistencia,
Tomas Flores.

En dicha villa dia mes y año ante mi, el referido Juez Commisionado en estos autos, y de lo stestigos de mi asistencia Don

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José Salvador de la Garza, presento en esta Jusgado per quinto y ultimo testigos de esta informacion, á Don José Salvador Xavier Sabinas vecino de esta Villa, y un en persona que doy fé conocerlo estando presente la parte á recivir Juramento que hiso con arreglo á derecho por Dios Nuestro Señor, y la señal de la Santa Cruz bajo del cual prometio desir verdad en todo lo que supiere, y fuere preguntado, y siendolo como esta prevenido dijo: que es uno de los primeros que ploblaran, y formasen esta Villa por lo que transita muchos occasiones en aquel entencos por la parte deafuera el Potrero que hoy se nombra del Espiritu Santo, y que aun-

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que fué algunas de ellas, á compañado nunca se determino por el miedo, de los Indios á entrar, y reconocer dicha tierra, pero que si conosio que dicho Potrero, lo haccan y formaban, un Arroyo conocido por el Colorado Lagunas contra el Mar Rio Grande, y una Espesura de Monte en lo que solamente habitaban Indios Gentiles, y se mantubo sin ser poblado de otrá alguna persona hasta que el año de setenta, y uno cuis poblanos Don José Salvador de la Garza, un sus bienes eslindas canales, y cercas que hizo en el que se ha mantenido sin haberlo manda desamparado, y mantien

asta la presente, que save que despues como á les cuatro años agrego asi, en dicho Potrero, como su mediaciones algunos otrós vecinos de las Villas de Reynosa y Camargo, que es una tierra que lo mas á todo del Potrero es Publico se llena de agua de las crescientes que sule haber en dichos Rio Grande Arroyo Colorado, y Lagu- como se acredita por haber sido motivo haberse visto dichos Don José Salvador de la Garza Islados sin poder salir de el algunos dias, con miedo de inundarse lo amenaza en dichas crecientes, y tambien el puden sus bienes que siempre ha conosido, y tiene por Valdio y Realengo dicho Potrero que esta es la verdad se cargo del Juramento que fecho tiene en el que se ofrece y ratifico dicho ser de edad de sesenta, y quatro años, y que no le tocan las generales lo que firmo por ante mi, y testigos de asistencia, actuando

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per receptario como suzo dicho es de todo doy fé.

JUAN ANTONIO DE ECHAVE.

De asistencia, Francisco Xavier Salinas.

De asistencia, José Antonio Trevino.

TOMAS FLORES.

Idada equal informacion que se recibio de oficio se posedio á la vista de ojos en la forma que signa.

En dicha Estancia del Espiritu Santo hoy dia veinte y seis de dicho mes y año: Yo el citado Juez a compañado de testigos y de odos los nominados arriba que compareciero por la citacion que para ello se les hizo llevando por guia a D. Lorenzo Lerda por el pleno convivimento que tiene, y la asiste de dicho Potrero en las mencunadas Bulas y Recodos que seguro noticia forman el Rio Grande del Norte, Lagumas del Mar, y arroyo Colorado que le forman yendo tambein el perito medidor sali al campo á comensar como comonso la nita de ojos de la mencionada tierra y parajes que la cicumbalaso agnajes y terrono y para su constancia lo puso por diligencia lo que firmo por ante mi y testigos de assistincia con quienes actuo como Juez Receptor de todas, doy fé.

JUAN ANTONIO ECHAVE.

De Assistancia, José Rafael Lopes.

De Assistancia, José Benito Lopez.

En la nominada Estancia dia trienta de dicho mes y año; Yo el citado Juez habiendo finalisado la vista de ajos de estas tirras de Espiritu Santo que en censoriar del mencionado nomobrado Don

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Manuel de Scieralia y demas sujetos, y a citados se ejecuto y Reconosio los rumbos de sus lineas centro y torreno, el que es oviado por las muchas quintas y derrames que contiene asi por varios Esteros, citados, y grandes que encierran y manifiestan que por ellos inundalo mas ó todo el Potrero, en las crecientos, especialmento de dicho Rio Grande, y arroyo Colorado como que de estos dimanan dicho esteros, y Lagunas formentados estas ignalmento de las crisientes del mar que iniendo juntas esta visto el peligro dicho de anegarse sin otro refugio que de algunos limitados altos que tiene dicho Potros o salir la gente por canoas a tierra firmo en larga distancia por estenderse el agua, en stos ventos, tanto de una parte como de otro del Rio y el arroyo por lo que lo mas de dicho terno no de este Potrero solo se ben un Zacalto llamado saccaquito nada comible de animal ninguno como se tiene por esperiencia yerba que Rejularmente seda en tierras selitrinas en costas un que contenga el dicho Potrero haguajo pepetuamente mas que el Rio Grande, y quando llueve algnons charcos que a poco tiempo se sesan susediendo esto tambien en los dichos Estero pues los aguas del Arroyo Colorado por lo salitroso y hamarga es simejante a la de la mar por lo que solo es util para Cavallada y

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todo ganado por engeno y resguardo de no tener el suzodicho Potrero mas de una entrada y salida por la montaña que une del atraviesa desde el Arroyo Colorado al Rio Grande todo lo que pongo por diligencia firmando la por ante mi, y demas que supieron los citados concurentes, y agrimensor activando por Receptina con testigos de asistencia como dicho es de todo, doy fé.

JUAN ANTONIO ECHAVE.

MANUAL SERRALTIE,
JUAN JOSE DE LA GARZA FALCON,
BARTOLOME TREVINO,
PEDRO VILLAREAL,
JOSE ANTONIO DE LA GARZA FALCON,
JOSE SALVADOR DE LA GARZA.

De Assistancia, José Benito Lopez.

De Assistancia, José Rafael Lopez.

En dicho Estancia nombroas del Espiritos Santo dia primero del mes de Julio del espresado año yo el citado Juez en vista de concluida la vista de ojos del Referido Portrero y por ella no haberse objetado cosa en contrario que impida ó embarase la medida y Reconocimento de sus tierras como se me previene en fersa de lo cual dina de mandar y mando sepase a su

excension la que deve comensarse desde un abrevadero que se haya en el Rio Grande en donde forma esquiesa en la mea que une esta este parajo de norte a su que es la linea de la montaña que sale del arroyo Colerado por dicho rumbo, y para su efecto lo pongo por diligencia por ante mi y testigos con queines estvo por Receptorio como dicho es de que, doy fé.

JUAN ANTONIO ECHAVE.

De Assistencia,
José Rafael Lopes.

De Assistencia,
José Benito Lopes.

En el abrevadero citado arriba Del Rio Granda del Norte estando en el en dos dias de dicho mes y año. Yo el Referido Juez acompañado de testigos de asistencia colindantes, y circumvecinos, asi actuo como fuera de dicho Potrero que con los mismos por no haber otros que los ya nominadas para la vista de ojos mande a Don Manuel de Curialta como Agreminsor nembrado y Juramentado en forma para esta medida comensara á ejercer en minestino quein ante mi testigos y demas concurrentes dichos, temo una hasta de largar regular y atando en ella uno de los estremos del cual

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preparado para este fin medio desde dicha esta, y le dio cincuenta varas en vara de medio paños de Castilla; huzual en esta Provincia del Nuevo Santander, y medidas que fueron dichos cincuenta varas en donde se completaron átó el citado Cordel a otra hasta de igual parte de sueste que entre una y otra solo, midieron las espresadas cincuenta varas, y pomindo un abuja tiro esta primera linea desde el nominado abrebadero rumbo a el oriente y lando resta por las marjenes bajo del nominado Rio Grande llegando con quinientes y ochenta y cuatro enadadas al citado no ha un derame de el por el que en sus corientes habasteese de agua un tanque que quedo por la parte de arriba á distancia, de sus cordeles cuyo deame quedo por lindero en donde le mande pener a mas señal fisa al denunciante Don José Salvador la Garza, de mojonera que dande en esta linea por la parte del sur algunas bolsas recodos que forman las vueltas ad susodicho Rio Grande que dijo el agrimensor reconoseria despues de finalisadas las demas lineas para incluir en el entero de los sitios que pudiera hacer en dichas vueltas y recodos; y conclusa esta linea esto dicho paraje del derrame la puso por diligencia que firmaron por ante mi y de testigos de asistenira asi dicho agrimensor ó interesado y demas que enpiezan de lo

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colindantes y circumbecinos, actuando por Receptoria como dicho es de todo, doy fé.

JUAN ANTONIO DE ECHAVE.

MANUEL DE SIERRALTA,
JUAN JOSE DE LA GARZA FALCON,
JOSE SALVADOR DE LA GARZA,
PEDRO VILLAREAL,
JOSE ANTONIO DE LA GARZA DE FALCON,
BARTOLOME TREVINO,

De Asistencia, José Benito Lopez.

De Asistencia, José Rafael Lopez.

En dicho paraje del derame del Rio del donde finaliso la primera linea dia tres de dicho mes, y año auto mi testigos y demas sugetos, dicho Agrimensor midió el Cordel danaole como le dió cincuenta varas con la nominada de media paños de Castilla segun y como el dia anterior, y ponido el abujon tiro esta segunda linea recta al norte, y ha los doscintos seis cordeles llegamos a la cabecera de una laguna de las de la mar, sin otras que es bien cerca rumbo al Poniente y habiendo descabesado esta primera y varias que se le siguen por esta pendientos, mas y otros siguiendo sempro al norte entre al Cordel, por una bolsa ó potrerillo que hacen dichos Lagunas quedando estos por el Poniente y Oriente asta llegan a las Lagunas Madres que se formaron del Arroyo Colorado, y en los que embiere, y demaman sus agnas que dando mui adentro de esta linea como mas de una legua, un paraje poblado con jacales, y corrales nombrado San Juan de Retiro en el que ha

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bitan algunos baqueros sirventes del por dicho Don José Salvador de la Garza, y no haviendo mas tierra por haver llegado a dichas Lagunas Madres y no haber para adelanta mas que agna alcanso esta segunda linea ha novesientos noventa, y tres Cordeles toda ella haviendose en su trancito remediado el Cordel repetidos ocasiones como asi tambien se ejecuto en la primera todo lo qual pongo por diligencia que firmaron. Agrimensor é interesado y demas a compañados que supieron por ante mi y testigos con quienes actuo como referido es de todo, doy fé.

JUAN ANTONIO ECHAVE.

MANUEL DE SIERRALTA,
JUAN JOSE DE LA GARZA FALCON,
JOSE SALVADOR DE LA GARZA,
PEDRO VILLAREAL,
JOSE ANTONIO DE LA GARZA FALCON,
BARTOLOME TREVINO.

De asistencia, Benito Lopez.

De asistencia, José Rafael Lopez.

En el paraje a las orillas del Arroyo Colorado en donde comienso, y halre sus Lagunas Madres al que llegamos rodeando, y un pisando el agua de los que traiamos al Poniente, en la segunda linea quando entramos por ella en la Bolsa, ó Potrerillo Citado que asi quedó por lindero con señal que le puso y al mismo tiempo en dicho paraje se puso otra comenzo esta tercera linea por medido de una á otra interesados a Potrero del Espiritu Santo parte de ellas—

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lo qual mobió a que asi se ejientase por el ningun peso que afresian; en cuio sitio ante mi testigos de denunciante y demas ya referidos el citado Agrimensor midio nuevamente su cordel al que ledio cincuenta varas de hasta á hasta con la misma ia dicho y poniendo el abujon, comenzo esta tercera linea por las marjenes de dicho Arroyo arriba rumbo á el Poniente, y a las trescientas nueve cordeles Reconocio dicho Agrimensor se le metió el citado Arroyo rumbo al sur como atraversando el Potrero del Espiritu Santo por lo que siguiendo.

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dicho rumbo del sur como permito dicho Arroyo siempre a sus marjenes en distancia de cien Cordeles ya no se pudo seguir linea alguna asi por estar iundado de una laguna grande y harroyuelos resacas del Colorado, en el que desaguan como tambien por un espeso monte instransitable que esta unido con dicho Arroyo Colorado y lagunas que totalmente embaraso el Xico de esta linea pero por los Peritos ó inteligentes en el conocimiento de las vueltas que hace dicho Arroyo declaren que mas adelante de donde ya no pudimas seguir se abre el citado Arroyo otra ves para el Ooniente a cuya linea de cinbino el Agrimensor con dichos Peritos con la parte interesada, en que debia tener, y tenia los mismos de large que la linea frontera del Rio Grande que con quinientas ochenta y Cuatro Cordeles respecto de comunica la segunda linea de las lagunas de sur a norte y por la vista de ojas corresponder le a la quarta de norte a sur como lo manifiesta la corra que en ella sabe, y por dicho tanto se le mande a la parte interesada pusiese señal que siriera de mojonera cuia diligencia firmaron todos los correspondientes y que supieron por ante mi y

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Sello Tercero.

testigos con quienes actuo por receptoria como es dicho de todo doy fé.

JUAN JOSE DE ECHAVE.

MANUEL SIERRALTA,
JOSE SALVADOR DE LA GARZA,
JUAN JOSE DE LA GARZA FALCON,
PEDRO VILLAREAL,
JOSE ANTONIO DE LA GARZA FALCON,
BARTOLOME DE TREVINO.

De asistencia,
José Rafael Lopez.

De asistencia,
José Benito Lopez.

En el citado paraje del monte, y Lagunas que impidieron la tercera linea anterior como esta dicho que se cocluio en el dia siete arriba mes, y año; siguiose la quarta linea que se ejecuto en el dia ocho subsequente del presente dicho meseania ultima linea asi mismo fue imposible seguirla con el cordel por lo impenetrable del monte Laguna y Resacas que entretejidas en dicha espesura le embarasaron por si dando vuelta a lo mas de dicha ultima linia pero por los peritos é inteligentes que acompañaban, hicieron contestes que ocuparia dicha imposibilidad correspondiente a la referida linea la distancia de ciuo leguas, en que se rembrino la Parte hasta salir como salimos a la cerca que por esta frente en lo razo tiene fabricado en cuio sitio midio el cordel el espresado agrimensor, dando de las cincuenta varas Castillanas puso puso el Abujon y Resacas que dicha cerca corria de norte a sur, y siguiendo a este rumbo se llego en dos cientos veinte y cinco cordelos de Abrebadero por donde comenso esta medida del Rio

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◎ Sello Cuarto.
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Grande del Norte can lo quedo anada que juntos dicho doscientos vinete y cinco cordeles con los cinco lignas de monte, y hagua compnen la cantidad de seticientos veinte y cinco cordeles y haciendo ya para este hecho rigestro dicho Agrimensor de las vueltas y recodos que forma el referido Rio Grande pertenecientes à la primera linea declaro que en estos, y bajos de las cuatro dichas lineas se continiero cincuenta y nueve sitios de Ganado Mayor, onze y media caballerias de tierra a favor de su magestad segun su intelligencia en este ante de medir con ratificacions del juramento que trene fecho; todo lo qual pongo por diligencia por ante mi y testigos de asistencia presentes los sugetos, ya mencion adas que firmaron por lo que a cada uno toca, y por lo que no supieron hiziolo yo dicho Teniente Justicia de la villa de Camargo

y Juez Comisionado en esta causa actuando por Receptoria como d'ho es, doy fé.

JUAN ANTONIO DE ECHAVE.

MANUEL DE SERRIALTA,
SALVADOR DE LA GARZA,
JUAN JOSE DE LA GARZA FALCON,
BARTOLOME TREVINO,
JOSE ANTONIO DE LA GARZA FALCON.

De asistencia.
José Rafael Lopez,

De asistencia.
José Benito Lopez.

Y sin embargo de haver contra dicho dos de los colindantes

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Años de mil setimentos y ochenta y ochenta y nuo.

respecto a no haver formalisado sus contradiciones ni manifestado sus titulos posedio el Justicia Comisario a dar los pregones prevenidos por derecho y señalado si dia para el remate se celebro este en la forma que sigue. En esta dicha Villa de Santa Ana de Camargo a los veinte y dos dias de este presente mes y año y ultimo pregon para el remate. Yo dicho Juez Comisionado mande tocar la caja en el mismo paraje despues de misa mayor; y a vos de Pregones empeso a dar Pregones de remate hante el Sór Capitan el Reverendo Padre ministro de esta Villa varios vecimos, y D. José Salvador de la Garza: y visto ha llegado la hora en que es, y a sido Regular para dicho remate, mandados por ultimo pugon y no huvo quien pagara á mas de los veinte pesos que tiene puestos Don José Salvador de la Garza, a quien se remato dicho agostadero con avse pregones que dio repeti en este mismo dia del remate y asi que biena pro la haga á D. José Salvador de la Garza quien firmo conmigo y los de mi asistencia con quienes actuo por Receptoria, que doy fé.

JUAN ANTONIO DE ECHAVE.

JOSE SALVADOR DE LA GARZA.

De asistencia.
José Benito Lopez.

De asistencia.
José Rafael Lopez.

En la espresada Villa dia dicho mes y año, ante mi dicho Teniente vito finalisado enteramente los trienta dias á pregon per dia que se me mandaba, en este superior Despacho, y el que señale para un remate quando confirme dicho Don José Salvador de la Garza por sui habiendose conformado y hacetado dicho Potrero, ante el Senor Capitan Don José (*José*) Antonio de la Garza Falcon, el R. S. Ministro de esta Villa Fray Francisco Villuendas el Regian de primero vote Don Miguel Chapa, el Procurador Don Agustin de la Garza y otros vecinos, que se hallan presentes. Y para que en todo tiempo conste pongo esta

diligencia que firmo conmijo dicho Don José Salvador de la Garza con los de mi asistencia actuando por Receptoria que de tado, doy feé.

JUAN ANTONIO ECHAVE.

JOSE SALVADOR DE LA GARZA.

De asistencia. José Benito Lopez.

De asistencia. José Rafael Lopez.

Remitidas las diligencias produjo el escrito de tenor siguiento

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Balthazar de Vidaurri por Don José Salvador de la Garza, vezino de la villa de Camargo, en la Colonia del Nuevo Santander, en los autos sobre el denuncio de tierras a que puso por nombre del Espiritu Santo, segun el escrito de fojas sesenta y sieste quadernos segundo como mejor proseda por derecho digo: Que habiendoso citado despacho para que se practicasen las diligencias del aundado para la adjudicason, y remate de sus tierres se practicasen todas por el Teniente de Justicia de dicha villa de Camargo segun instruio el quaderno con que dio queta sin haver hasido otra contradicion que la de Don Bartholomo Fernandes, colindante por la la parte de la entrado del Potrero por lo tocanto a la quarta linea por haver sentado que en ella se le atravessare y emsare un de las de sus tierras que se interesareo por asia el oriente de dicho Potrero esta una nina seca que se le pidieron los titulos no los manifesto, pero se les señalaron tres mesos de termino corrientes desde primero de Septiembre, del año procsimo passdo, para que occuriese á mejorar su contradision en esto Jusgado privativo y no habiendolo fecho á acuso Rebeldia en forma fojas cincuenta y dos. Por lo tocante al remate utiles de los sitios, y cavallerias, devo penor presente á V. Señoria que le

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valuaren a dos pesos, y a real cada caballeria pero como sin parte ha sufrido tanta contradision, como combensen los autas y sus contrarios conosieron la necesidad que tenia de las tierras por hallarse asentado en ellas sus Ganados situidos y aquerenciados, por un efecto de maligindad y de hacer le porjuicio, como informa el Teniente lo pagaser los sitios hasta veinte pesos. Esta es una disproporcion estraordinaria por que ateniendo el priecio del abaluo, que fueron dos pesos, con nueve partes mas las que lo hicieron ofreser al precio justo y en estos terminos no es lisito rendir ni en las almonedas, pues en ellas no se puede pasar el precio supremo, al y mas quando intensione mala fé, y espiritu de haver

perjuicio al que compra una necesidad como suscedio en el presente caso. Por esto suplico á V. S. que sirriendose a provar las diligencias practicadas, y el Remate se librado en mi parte, se cirva igualmente moderar el presio a lo justo que una lo que estimare su pendento arbitrio: y no tenor esti lugar, (lo que no espera,) habra mi parte de Enterar es estrechado de la necesidad a razon de viente pesos por los sitios, y del Real por las cavallerias que son onze y media y cincuenta y nueve sitios para que oportuna-

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mente se le libro el recado necesario que le sirva de titulo en cuia virtad se le pueda entrar en posesion de las tierras si la pidiere. u en unos terminos, y dondose vista a el Abogado Fiscal, A. V. S. suplico se sirva proveer como refiero juro en forma lo necesario, etc.

DOCTOR MANUEL GARISNAIN ARANGUTI.
BALTHAZAR DE VIDAURRI.

Mexico, diez y sista de Julio, de mil setecientos ochenta.

Al Abogado Fiscal, proviso lo al Señor Oydor Juez privatorio y lo rubrica.

Ceñalada con un rubrica.

Ante mi,

JOSE DE MONTALVAN,
Escribano Real y de Provincia

El abogado Fiscal en virtud de estos autos de denuncia hecha por Don José Salvador de la Garza del Potrero que nombran del Espiritu Santa en la colonia de Nuero Santander. Dise que en virtud del segundo Despacho que se libro para las diligencias del recordado, se resivieron en el quadero quinto las informaisones de parte y de afisio por los que resulto en realenga la tierra, y publicada la denuncia en la foja tienta y una se provedio a la vista de ojas, y medida en la que se reconosio comprehender el Potrero cincuenta, y nueve sitios de Ganado Mayor, que se tasaron a dos pesos con mas enze Carallinas y media apresiadas a real por cuios

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precios hiso postura al Denunciante, y dandose los pregones salio otro tercero que hiso varias pujos, hasta que llegado á veinte peso por cada sitio se le hizo el Remate al proprio denunciante sin que huvise defecto ni consideracion en las dichas diligencias, respecto de que nada importa el haberse publicado la denuncia despues de dadas las informaciones, y aunque a estas no prosidio

la citacion de los circumvezinos por las distancias de su habitaciones se los hiso ya que estaran recibidas, para la vista de ojos y

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medida, a que concurieron segun la foja tienta y tres ruela los siguientes. Lo que ocurre mas notable es la contradicion que hizo Don Bartolome Fernandez en la foja quarenta diciendo que con la linea que havian hechado de norto a Sur se le tomava alguna tierra por acrer llegar la suia hasta una tierra seca, que se que se regulo por lindero en las medidas que se havian echo a favor de Don Narciso Cavazos, por notificandole a la vuelta que manifestaso sus titulos respondio que se hallaran en este Jusgado —por lo que se asignaron segun la foja cincuenta y dos, tres meses de termino constates desde primero de Septiembre del año pasado por ocurrio a este Jusgado a mejorar en contradicion, lo que no ha ejecutado en mas de siez que se cuentan desde entonces.

A esto se añade que las diligeneias y medidas que se hicieron a pedimento de Don Narciso Cavazos con los que dan principio á el quaderno primero de estos autos donde se ve que á la foja treinta corrieren esta abajo del abrevadero de Don Eugenio y Don Bartolomé Fernandez, y estas se disaprovaron por V. Señoria en la foja singuenta y una multa por haber resultado, que el Potrero lo habia poblado el Denunciante Don José Salvador de la Garza desde el año de setecientos sesenta y uno, y lo havia denunciado en el setenta y uno y lo havia denunciado en el setenta y dos ante

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el Teniente General de la Colonia, y que á su arimo ó con consentimiento se le havian agregado, *ó habien agregado* metido sus ganados otros varios entre los quales uno fue el espresado Cavazos que no obstante ese vino á denunciar asi todo el Potrero—dando lo el nombro de Santa Rita y practicadas las diligencias del acordado huvo de hacer ocurso de denunciante y se calificaron por inutiles mandadas las hacer nuevamente á favor de Don José Salvador de la Garza que havia poblado y denunciado primero de donde resulta que las medias hechas á pedimento de Cavazos, no lo aprovecharan á este ni á Fernandez que no ha mostrado otro titulo y mas quando se infiero que tambien entro al arrimo del denunciante, ó do alguna de aquellos a quienes los consedio el permiso de que introdujean sus Ganados. Asi mismo sedeve notar que el abaluo de los sitios fue el de dos pesos por cada uno, y que por las suyas se le remotaron al Denunciante á razon de viente pesos por loqual pide se mande el presio a lo que estiman justo el pendente arbitrio de V. Señoria, bien que en caso de no

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tener lugar espresada que habia de entedad el todo estrechado de la necesidad y en este punto lo que se haya es que en la foja cincuenta y cinco del quaderno quinto informa el Comisario que los vecinos de la villa de Reinosa, por aser lo mal á el denunciante fueron adelantado el precio asta los viente pesos. Tambien de recinose por el quaderno primero desde la foja cincuenta y ocho vuelta y siguientes que los dichos vezinos movidos desde luego por Don Narciso Cavazos se opusieron en la foja setenta y cuatro y que las tierras se adjudicason á Garza y coludidos a lo que se dijo por vivir con el Teniente de la dicha villa lo estunveron impedimento la practica de las diligencias del acordado hasta que se libro segundo despacho consediendo las a la justicia de Camargo.

Igualmento ocurre que cuando se hicieron las primeras diligencias a pedimento de Cavazos, se apreciara cada sitio de Ganado Mayor a doce reales en la foja trienta y cuatro vuelta quaderno primero a que devo añadir al abogado Fiscal reservado de la buena fe que es propria de su oficio que en las diligencias que se hacen en las provincias intimas y parajes remotos commumento recien abalnados los sitios de Ganado Mayor a estos precios de doco reales y dos pesos, a de tres a cuatro ps. y en algunas occasiones a peso, y que en ditos que estan en su poder de agostadero de Carrisotos en la propria jurisdicion se tasaron a dos pesos, y en

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otros que esta despachando de las tierras que median entre las Villas de Rienosa y San Fernando denunciados por Don Antonio de Mizar se hizo el abaluo a cuatro pesos, por lo cual el abogado fiscal no se opone á que tiniendo lo V. Señora por correspondiente se modere el precio a la cantidad que asinase justa. En atencion a todo se ha de señir V. Señora de aprovar las diligencias practicodas, adjudicadolo, haviendolo morced por via de renta al Denuncianto Don José Salvador de la Garza, de los cincuenta, y nueve sitios de Ganado Mayor, y onze Carallinas y media del Potrero del Espiritu Santo bajos los hordenes que espresan las medidas y mandando enterada la cantidad que importe el remate ó aquella a que su justificacion la moderan, y pagada la media annata se de cuenta a la Real andencia en los autos para la confirmacion si fuere de su superior agrado, y que debeultos que sean se despache el Titulo correspondiente Mijico y Julio veinte dos de mil setecientos ochenta.

Licenciado, MARTIN DE ARAMFURN.

Mejico, veinte y nueve de Julio, de mil setecientos ochenta

Autos y vistos en lo pedido por al abogado fiscal, apruebo las diligencias practicadas, y hago adjudicason, y merced por via de renta á Don José Salvador de la Garza de los cincuenta y nueve sitios de Gemado Mayor, y onze caballerias de tierra bajo los linderos que espresan las medidas. Yen atencion á las circunstancias del negocio y malaversacion de las pujas que hicieron por conoserse habersido un animo de perjudicar al denunciante respecto á la radicacion que tiene de sus bienes en el Potrero del Espiritu Santo; constando como consta en este Jusgado, por diversos espedientes que en el se hallan estar abaluedos y rematado los sitios de Ganado Mayor aquellos parajes los que mas á quatro pesos. Tengo á bien el moderar el precio de los veinte pesosa el de ocho pesos en que se verifica quatriplicando del abaluo de estos sitios enterandose en la Real Caja de esta Corte los lenatio stentos setenta y dos pesos de su importe con mas los onze reales de las onze caballerias y su media annata se pasaron estos autos á la Real Audiencia á efecto de la confirmasion de esta merced y debueltos que sean se dara cuenta para la espedicion

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del titulo ó lo que corresponda, Proveselo el Señor Don Francisco Xavier de Gamboa, del consejo de su Magestad, su oider en la Real Andiencia de esta Nueva España, y Juez Privativo de rentas y composiciones de tierras y aguas valdias. Realengas y lo firmo.

GAMBOA.

Ante mi:

JOSE DE MONTALVANO,
Escrivano Real y de Provincia.

Señores Oficiales Reales de la Real Hacienda, y caja de este Corte:

Sirvanse V. M. S. de mandar recevir quatro cientos setenta y tres pesos tres reales en que el Señor Don Francisco Xavier de Gamboa como Juez Privativo de tierras, y Aguas valdias, ó realenges ha echo adjudicacion y merced per via de venta a Don Jose Salvador de la Garza de cincuenta y nueve sitios de Garrado Mayor, y onze Cavallerias de tierras en terminos de la colonia del Nuevo Santander, Jurisdicion del Nueve Rieno de Leon, yesta cantidad estara por quenta aparte en razon de lo que procede para su remision a España en la forma acustombrada debolbiendose este villete glosado para que conste en los autos de la materia.

Mexico, veinte y nueve de Julio de mil setecientos ochenta.

JOSE DE MONTALVANO,
Escrivano Real y de Provincia.

Asentado a fojas doscientos quarenta y dos del libro de villetas en tres de Agesto de mil setecientos ochenta.

GUERRERO.

En tres de Agesto de mil setecientos ochenta, se entaren en esta Real caja los quatro sientos, setenta, tres pesos, tres tomines que refiere esta villete.—Marca.

CARILLO.

✠ Un Real.

◎ Sello Tercero. Un Real. Años de mil setecientos y ochenta y ochenta y uno.

En tres de Agesto mil setecientos ochenta Don Jose Salvador de la Garza, a quien el Señor Juez Privatiro de bienes hizo adjudicacion y merced por via de renta de cincuenta y nueve sitios de Ganado Mayor, y onze Cavallerias en terminos de la Colonia de Nueve Santander entero en reales esta Corte once pesos seis tomines y echo granos que causa al Real derecho al Medio Annata deducidos de la mitad de lo que al cinco por ciento venta la cantidad de quatro cientos setenta y tres pesos tres tomimes con que ha servido segun consta del villete que glosado de Oficiales Reales queda en esta contaduria general del Espresado real derecho de mi cargo.

En certificacion de lo qual y para que conste dondo combenga doy la presente en Mexico dicho dia mes y año.

LASARO DE ARRECETO Y GARZA.

Mui Poderoso Señor: Lo unico que puede encontrarse como embarazo para que la merced, y renta de las tierras del Potrero del Espiritu Santo mueva la superior infirmacion y aprovacion de V. A., as el no haver se oydo hasta ahora á Don Bartholome Fernandez sobre la contradicion que hizo en crirto paraje de ellas *de ellas*, y asi mismo no haver de verificada la venta y remate por el presio de los veinte pesos que ofrecio al Pastor, Don José de la Garza por cada sitio reduciendo se por nuestro Juez Privativo á el de ocho pesos que la paresio enjusto, y verdadero valor, y en quanto á lo primero se ha de suponer que el dicho Don Bartholome Fernandez aun cienas requiriendo no exibir mi manifesto los titulos en cuya

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virtud hasia en contradicion, lo que persuade que estaban solo se fruda en las diligencias y medidas practicadas á pedimento de Don Narciso Cavazos las cuales como que se desaprovaren y dieron por nulas no pueden atribuirse ningun derecho y este punto con el hecho de no haver ocurrido al Jusgado Privativo ni en los tres meses que se le pusieron de termino ni en los otros sieto que

han corrido demas induee una gravisima presuncion de que aquella en contradicion fué maliciosa é informado y acquierda con al fin de embarasar y removar la resolution en perjuicio no solo de Don José de la Garza sino es tambien de la Real Hacienda á que es consiguiente que no haya de apresiarse ni atenderse para que un respecto á ella se demore; suspenda la informacion. Y en quanto á lo que es la vaja y moderacion del presio de los sitios hecha por nuestro Juez Privativo anuque por una parte se ha de considerar que el motivo de haverse llegado á verificar el remate de dh's sitios hasta la cantidad de veinte pesos fué el de haver sufrido Don Salvador de la Garza tantas contradiciones, y hacer conocido sus contrarios la necesidad que tenia de las tierras por hallarse asentados en ellas sus ganados de suerte que asugerados por esta de que Garza no repararia en el presio por un efecto de maliguidad, y hasecle perjuicio, como informa el teniente le pagaron los sitios hasta veinte pesos pero por otra tambiem es de atender que para la provincia postura

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de diez pesos no puede desirse que intervino en esta fraude por que respecto de los dos pesos en que se ababalueron los sitio no estan desproporcionada se dicha postura, y mas grande segun informa el Abogado Fiscal, y supone el citado ante de nuestra Juez Privativo en aquella Provincias, Regularmente value los sitios des tres ó quatro pesos de cuya cantidad no es tanta la distancia que hay á la de diez pesos que parece desirse que exede de lo justo mayormente si se refleja en que las usas tanto valor en quanto pueden venderse; con cuya consideracion le parese al Fiscal que seria correspondiente el moderar y reducir,

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◉ Sello Tercero. Un Real. Años de mil setecientos y ochenta y ochenta y uno.

la cantidad de los veinte pesos en que se verifico el remate a la de diez pesos en que esta al medio, y se hizo la primera postura. Por lo qual sevira V. A., si fuere de su superior agrado de confirmar, y aprovar la merced, y renta echa por el Jusgado Privativo á Don José de la Garza de las tierras Potrero nombrado el Espiritu Santo bajo los terminos, y linderos que espresan las medidos, con salidad de que haya de exhibio, y enterar los otros dos pesos respectivo á cada sitio moderado en precio á el de diez devolvien dise los autos al dicho Jusgado para que verificado el referido entero se de expida el titulo correspondiente.

Mexico, Octubre, veinte y uno de mil setecientos ochenta.—Mexico.

Mexico y Diciembre onze de mil setecientos ochenta. Dese quenta con los autos.

Mexico mayo diez y seis de mil setecientos ochenta y uno.

SENORES REGENTE VILLA VENTIA.

Asedo,

Licenciado FLORES.

En la ciudad al Mexico a diez y ocho de Julio de mil setecientos y ochenta y uno los Señores Presidente Regente, y orejano de la Audiencia Real de la nueva España haviendo visto las autos con que ha dondo cuenta a esta Real Audiencia el oydor Don Francisco Xavier de Gamboa, Juez Privativo de Tierras, y aguas sobre el denuncio que hizo Don José Salvador de la Garza del Potrero que nombran del Espiritu Santo, en la colonia de Nuevo San-

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Sello Tercero. Años de mil setecientos y ochenta
Un Real. y ochenta y uno.

tander en que se comprejenden cincuenta y nueve sitios de Ganado Mayor y onze Cavallerias de tierras, para que en ella se conforme la *la* adjudicacion que en veinte y nueve de Julio hizo al referido por via de venta a los espresados sitios y Cavallerias de tierra moderando del presio de los veinte pesos a que asendieron las pujas que huvo a el de ocho pesos en el que se verificado quatriplicando en el del abaluo de dichas sitios per las razones que espresa en su auto, vistas asi mismo las diligencias que para dicha adjudicacion se practicasen de orden del espresado ministro, y lo podido por el Fiscal al en Mogistad en respuesta al viente y nueve de Octubre del mismo año de ochenta con lo demas que convino. Dijeron que confirmaran y confirmaron la merced echa por via de venta por el referido Juez Privativo de tierras à Don José Salvader de la Garza de los sitios y Cavallerias que comprehende su decreta de viente y nueve de Julio del año proximo pasado con calidad de que el precio de cada uno de ellos hade cerar a razon de diez pesos, y en su consecuencia ha de exhibir y enterar lo que a este respecto falta para completar su importe como tambien la cantidad de sien pesos, de servicio a su Magistad por le gracia de que se hace en relevar lo de a cudir por la confirmacion a su Real Persona, en forma de lo prevenido en Real Cedula de quinze de Octubre de mil setecientos cincuenta y

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Sello Tercero. Años de mil setecientos y ochenta
Un Real. y ochenta y nuo.

cuatro. Y asi mismo mandavan y mandaron que para el punctual cumplimento de todo se debuelan los de la materia al espresado Jusgado de tierras. Y asi lo proverion y rubricaron los señores.

Regente—VILLANUTTIA,

Asedo Luyando—JOSE MARIANO VALLASECA.

Concuerda con su original a que me remito doy fü.

JOSE MARIANO VILLASECA.

Señores Oficiales Reales de la Real Hazienda, y caja de esta Corte. Sirvause, V. M. S, de mandar resivir de la parte de Don Salvador de la Garza ciento y diez y ocho pesas por razon de dos mas en cada sitio de sincuenta y nueve de Gando Mayor que el Señor Don Francisco Xabier de Gamboa como Juez Privativo de tiemas y aguas le hizo adjudicacion y merced por via venta en la Colonia del nuevo Santander y se previeno asi por la Real Andiencia é ignalmente cien pesos que dicha Real Tribunal ha señalado por la gracia de la confirmacion Y esta cantidad estara por cuenta aparte con razon de lo que prosede para en remision a España en la forma, a custumbrada debalviendose este Villete este Villete glosado para que conste en los autos de la materia. Mexico, dose de Septiembre de mil setecientos ochenta y uno.

JOSE DE MONTABRAN ESCRIVANO,
Real y de Provincia.

Asentado a fojas ciento setenta y tres vuelta del Libro de Villtes en trece de Septiembre de mil setecientos ochenta y uno.

BARRANDEGUEL.

En trece de Septiembre de mil setecientos ochenta y uno se contaron en estas Reales cajas los descientos diez y oche pesos contenidos en este Villete—Mexico. CAVILLO.

En trece de Septiembre de mil seticientos y ochenta, y un años, Don José Salvador de la Garza a quien la Real Andiencia de esta Capital la confirmo a mersed que el Señor Don Francisco Xavier de Gamboa como Juez Privativo de tiemas le hiso de sin cuenta y nuevo sitios de ella en terminos de la Colomia del nuevo Santander mandando exhiviese dos pesos mas por cada citio del presio en que se la mercedó entero en Real Cajas de esta Corte diez y seis pesos, cinco tromies, nuene granas que canso al Real derecho de media annata en esta forma dos pesos siete termines tres granos como mitad de lo que al cinco por ciento renta en

✠ Un Real,
Años de mil seticientos y ochenta y ochenta y uno.

◉ Sello Tercero,
Un Real,

un año la cantidad de ciente diez y ocho pesos que montan los dos pesos aumentados al valor de las tiemas, y las restantes trese pesos sinco tomines siis granos por la gracia de la (*de la*) confirmacion segun manifiesta el villete que glosado de oficiales Reales que de en esta contaduria general al mi cargo. En certificacion de lo cual, y para que conste donde combenga doy la presente en mejico dicho dia mes y año por auciencia del Contador Diego de Cabarubias.

En vista del auto de los Señores Presidente Regente y Oyanes de la Real Audiencia per decreto que proven el dia diez del corriente deliveri espedir el presente por el cual usando de las fac-

ultades que me son conferidas per la Real Cedula Instrucion de quinze de Octobre de sete cientos cincuenta, y cuatro declaro que Don José Salvador de la Garza complia con lo mandado en ella, y en nombre de S. M. (Dios la guarda), y sin perjuisio al tercero ó communidad de Indios lo admito á composicion hago adjudicacion, y merced per via de renta de cincuenta, y nueve sitios de Ganado Mayor, y ouze Cavallerias de tierras en terminos de la Colonia del Nueve Santander, y no propasandose de sus linderos suplo y dispenso la falta de mercede, y titulos vicios, y defectos, con que las ha poseido para que por esta razon mi ótra alguna no se lo obligo á medidas á entrar en ótra composicion sin a exhibicion de otra titulo per darse lo como so le doy amplio bastante, y curio lo habiere menestra para la propriedad de dichas tierras cusios fuetos gosen, y de sus entradas salidas usos, costumbres, y servidumbres cuantos ha y tiene de fuere, y de derecho sin exetuar le ni reservale cosa alguna a dho Don José Salvador, ó quien su causa hubiere, y derecho representar con calidad de habertas de poblar, y cultivar de lo que necesitaren conforme a ordenanzas de

✠ Un Real.

Sello Tercero. Años de mil setecientos, y ochenta,
Un Real. y ochenta, y uno.

Cino que de esto tratan, y que de si en algun tiempo se necesitare el todo ó parte de dichas tierras para alguna foundacion ne puerte Villa ó lugar lo que asi fuere lo ha de dejar libre, y assembarado pagandole lo que a la razon valiere con cusias calidades sean suias, y de sus herederos, y subresos como habidas, y aquiridas con curio, y ligitimo titulo de properidad que es el presente. Y mando a la Justicia de Aquella provincia que seda, y cuando lo pida el espresado Don José Salvador de la Garza entre, y de posecion de las expresadas tierras con citacion de las Colindantes sin embargo de que los quiera contradicion mi causar despojo alguno, y de la posecion que le diese no cincuenta el dicho Justicia sea despajados oydo per fuero, y derecho venierar entregandole las diligencias que practicase a continuacion de este titulo para en guarda, y ser derecho Mejicos, veinte y seis de Septimbre de mil setecientos ochenta, y un años.

Entre Registro, cincuenta y una (Ve. tachdo.); demonstracion quince de Provincia, treinta, (no vale.)

DON FRANCISCO XAVIER DE GAMBOA.

(Rubrico.)

Por mandado del Señor Oydor Juez Privativo.

Drós setente pesos con papel, y la escrito, y nomas asi lo juro.

V. S. admite a composicion hace adjudicacion y merced por via de venta de cincuenta y nueve sitios de Ganado Mayor y ouce ca-

ballerias de tierra á Don José Salvador de la Garza en terminos de la Calonia del nuevo Santander respeto á haber enterado en la Real Caja de esta corte el importe de ellas la gracia de la confirmacion y media annata que se le repute, &c.

✠ Un Real.

Sello Tercero, Un Real. Años de mil setecientos y ochenta y ochenta y uño.

Mexico y Fbre. 26, de 1781.

Titulo de compossion adjudicazon y mad. de 59 Sitios de Ganado Ma. y enze caballerias mas de tierra hecha por el Señor Juez Primativo de este Reyno y confirmado por su Reyal Anda. a fabor de Don José Salvador de la Garza vezo, de la Villa de Camargo el termino de la calonia del nuevo Santander, &c.

Sello Tercero, Dos Reales. Para los años de 1833 y 1834.

Ex'mo Señor Gobernador. El ciudadano Juan José Tijerina vecino de Matamoras ante E. E. con el respecto debido me presento y dije que el Alcalde primero de mi veccindad con manifestacion de un decrito espedido por el Supumo Gobierno en venite y nuebe de Julio de mil ochocientos beinte y uno relativa a que los propietarios de los terrenos para ojidas de aquel lugar concurran á esta capital con los documentos de su propiedad para haser la indemniacion me impuso que en el termino de un mes presentasè á V. E, con mi titulo por la respectiva á la parte que por la otra vanda del Rio Grande coresponde á mi esposa Doña Feliciana de Goseascochea por quien represento para que reconoeido por N. E. y davala por Castante proceder a lo mas para la indemisacion dicho. En su complimiento presente el titulo de los terrenos en que se halla comprehendida la parte de mi esposa y de sus compartes, suplicandole á V. E, se digne dovolvenuo lo despues de su vista V. reconocimiento, y calificacion se maresca. Es justicea que impetro Ciudad Victoria Junio veinte de mil ochocientos treinta y cuatro Recenocida el Titulo de adjudicacion que el ciudadano Juan José Tijernia ha presentado de las tierras conocidos con el nombre del *Potrero del Espiritu Santo*, y dado por bastante pasé esta escrito al ciudadano Alcalde de la Vill de Matamoras, para que haciendo constar al calce de este escrito la cantidad de terreno que al cunciado Tijernia se le hatomadó del comprendido en dicho titulo para los ejidos de la Villa, y un valor que tasaran peritos a baluadores nombrados por el interasado, y por el Ayuntamiente con un tircero en disconrdia que elijira el mismo Alcalde en caso de diferencia remita lo actuando á este Gobierno para sus ulteriores dispociones.

GABRIEL ORCOS, *Oficial Mayor*, Una Rubrica. FERNANDEZ, Una Rubrica.

Es copia q. Yo el ciudadano Simon de Castro Alcalde No.

Constitucional de esta capital certifico en forma de derecho haber se sacado á la letra fiel y legalente de la original q. para el efecto me presento el interesado y de le devoler en cuyo escrito se halla estampado el decreto consiguiente firmado de la letra y rubrica de Esorño Sor. Gabernador de este Estados y Secretario, cuyas formas doy fé conosco y Son los mismas que, Acostumbran, todo lo que para la debida constancia scento y a pedeniento del interesado doy la presento que firmo con los testigos de asistencia con quienes actuo conforme a la ley, en ciudad Victoria á veinte y uno de Junio de mil ochocientos treinta y cuatro undecimo, &c. doy fé.

SIMON DE CASTRO.

Assa. Assa.
Hilario Losa. Fran'ca Garcia.

Sello Tercero. Para los años de mil ochocientos
Dos Reales. treinta y seis y ochocientos treinta y sieto.

S. A. No. Constitucional.

Juan José Tijerina de esta cuidad ante V. en forma *ye d'ho* paresio y dijo que siendo varios los dueños del terreno que refiere el adjunto titulo y temeroso de que llegue al estado de haserse dificil su lectura asi por su antigueda como por el uso de el por las partes y interesados.

A. V. Pido y suplico se sirva prober se me libren dos testimonios autorisados en forma que hagan la feé que su original de que tambien pido se me debuelba rubricadó por V. Justicia que pido con los protestas y juramento, de derecho &c.

Matam's, Marso F. de 837.

JUAN JOSE TIJERINA.

Ciudad Matam's, y mso 8 de 1837.

Por admiteda esta insta. con los mandos que acompaña, y en su consecuencia los testimonios que la parte pide y evacuada que sea denvuelvanse le como lo solicita. Yo el ciudadano Juan Nep'o Molano Alc'd 1o. Const'l lasi lo provei mandé y firme con los dem ni assista. con quienes actuo, doy fé.

JUAN NEPO. MOLANO.

Asistencia, Asistencia,
Fran'ca Magorga. Marcos Galindo.

En la fecha siendo presenté Dn. José Tijerina y en su persona que doy fé le notifique é hice saber el auto que precede, y enterado dijo Que lo leo y firma conmigo y los demi asistencia, doy fé.

JUAN JOSE TIJERINA.

MOLANO.
Asistencia. Asistencia.
Franco. Mayorga. Marcas Galindo.

Sello Cuarto. Años de mil ochocientos cueranta
Un Real. y ocho y nueve.

El Eseribano Publico que al calée signo y firmo certifico y doy fé Que el Señor Don Juan Nepomueeno Molano por quien a parese proveido la instancia que subserite por Dn. Juan José Tijerina pidienda testimonio del titulo á que se refiere era Alcalde primero constitucion al de esta ciudad en la fecha del ocho de Marzo de mil ochocientos beinte y siete en que la verifico que actuo la legalmente con testigos de asistencia per la que y siendo su firma y las de los testigas subsentos las mismas que usaban y acostumbraban en todos sus autos publicas debe darse al proveido de que se trata y donde estan estampadas dichas firmas entera fé y credito en juicio.

JOAQUIN ARGUELLES.

Matamoras, Marzo 8 de 1849.

CONSULATE OF THE U. S. A., }
Matamoras, Mexico. }

I, Thomas W. Slemons, consul of the United States of America, for the port of Matamoras, do hereby certify that Joaquin Argüelles who attests the annexed document, under his own proper signature, to me the said consul, well known, is now and was at the time of signing the same a notary public, in and for the city and port of Matamoras, and that to all his acts as such full faith and credit are given in and out of judicature.

In testimony whereof I hereunto subscribe my name, and SEAL.] affix the seal of my office this 8th day of March, 1849.

THOMAS W. SLEMONS.

DISTRICT COURT OF THE UNITED STATES. }
District of Texas. }

I, James Love, clerk of the District Court of the United States for the District of Texas, certify that the foregoing is a true and perfect copy of an original document marked H., contained in an old leather cover (being the titles to lands granted to José Salvador de la Garza, in 1771,) which was introduced and read in evidence on the part of the complainants, in the chancery case, No. 41, Rafael Garcia Cavazos, et al. *vs.* Charles Stillman, et al., which said original is withdrawn by leave of the Court, and the present copy filed in its stead.

In testimony whereof I hereunto subscribe my name and affix SEAL.] the seal of said Court at Galveston, this fifth day of July, A. D. one thousand eight hundred and fifty-four.

JAMES LOVE, *Clerk.*

Translation of the copy of the Testimonio of title to the Potrero del Espiritu Santo, etc., and of the said Testimonio itself.

DISTRICT COURT OF THE UNITED STATES,
District of Texas.

RAFAEL GARCIA CAVAZOS, and others,
v.
SIMON MUSSINA.

RAFAEL GARCIA CAVAZOS, and others,
vs.
CHARLES STILLMAN, and others.
In Chancery.

Translation of a copy of the original Testimonio of Title of Don José Salvador de la Garza, to the "Agostadero del Espiritu Santo" and of the accompanying documents.

On the outside cover, attached by the notary D. Cipriano Guerrero, at Victoria, on taking the deposition of D. Juan Nepomuceno Molano.

REPUBLIC OF MEXICO, STATE OF TAMAULIPAS,
City of Victoria, 1849.

Court of the First Instance of the Department of the Centre, Documents marked L. M. which the witness D. Juan Nepomuceno Molano examined, and which are mentioned in the depositions which he has given in the civil suits which Don Rafael Garcia Cavazos and others are prosecuting in the District Court of the United States of America, for the District of Texas, against D. Simon Mussina, D. Carlos Stillman and others as to title to lands.

On the outside cover of the copy marked L.:

Titles of the 59 sitios and 11 cavallerias in the Potrero de Espiritu Santo.

To the First Constitutional Alcalde:

I, Juan José Tijerina, of this city, appear before you in due form of law, and say:

That there being various owners of the tract of land to which the annexed title refers, and fearing that it may come to be difficult to read it, as well on account of its age, as by reason of the use of it by the parties interested, I ask and pray your Honor to be pleased to order that two authorized copies, in due form, may be given to me, which may have the same authority as the original, which I likewise ask may be returned to me after being rubricated by your Honor, I ask this as a matter of justice, with the declarations and oath prescribed by law.

Matamoras, March 7th, 1837.

This petition, with the accompanying documents, having been admitted, let the copies which the party asks, be taken, and when this is done let it be returned to him as he prays.

I, the citizen Juan Nepomuceno Molano, First Constitutional Alcalde, thus provide, and have ordered and signed with my assisting witnesses, with whom I act. I certify,

JUAN NEPOMUCENO MOLANO.

Assisting witness, Francisco Mayerga.

Assisting witness, Marcos Galindo.

On the same date, D. Juan José Tijerina being present in his proper person, as I certify, I notified and apprised him of the foregoing order, and having understood it, he said: That he hears, and signs with me and my assisting witnesses. I certify,

MOLANO.

JUAN JOSE TIJERINA.

Assisting witness, Francisco Mayerga.

Assisting witness, Marcos Galindo.

Mexico, and September the 26th, 1781.

Title of sale, adjudication and grant of fifty-nine sitios of "Ganade Mayor" and eleven *cavallerias* of land, made by the Special Judge of lands of this kingdom, and confirmed by the Royal audience in favor of Don José Salvador de la Garza, resident citizen of the town of Camargo, within the limits of the colony of Santander.

Don Francisco Xabier de Gamboa, of the Council of His Majesty, his order in this Royal Audience of New Spain, and special judge of sales and purchases of lands and natives in the District of the said Royal Audience, etc.

Whereas, proceedings were had before me, and in this, my special tribunal, upon the application of D. José Narciso Cavazos, resident and original settler (poblador) of Our Lady of Guadalupe de Reynosa on the Gulf of Mexico, who asked to be permitted to to purchase a Potrero named Santa Rita, and after the usual order had been given to him, that the proceedings prescribed in it for the object of his claim, might be taken, D. José Salvador de la Garza, upon this, opposed the said claim, declaring that the said lands were contained in the Potrero named Espiritu Santo, which he had denounced in the year seventy-two, before the Lieutenant General of that colony, who ordered him to apply to this tribunal, and he having done so by means of powers of attorney which he gave, and full means for the prosecution of the business, he failed in obtaining the grant through the negligence of his attorneys. In consideration whereof, and of the proceedings had on the application of the said Cavazos, and what has been alleged on either side, by an order of the twenty-sixth of November, in the past year, seventeen hundred and seventy-seven, I declared that the purchase

of the place of Santa Rita, claimed by Cavazos could not be admitted: and I ordered that a commission (despacho) be delivered to Don José Salvador de la Garza, in conformity with the denunciation which he had heretofore made before the Lieutenant General of the colony, and repeated in this tribunal, in order that the nearest Justice (Teniente) might execute the proceedings prescribed in the order. In obedience to which the Commandant of the town of Camargo proceeded to receive the following testimony, (informacion).

In the town of Santa Anna, of Camargo, on the aforesaid fifteenth day of June, one thousand seven hundred and seventy-nine, before me, D. Juan Antonio de Echave, holding the post of Chief Justice of the said town (Teniente Justica Mayor or dicha villa) and commissioned as Judge in these proceedings, and before my assisting witnesses, D. José Salvador de la Garza presented as his first witness D. Salvador Vela, a resident citizen of the said town, and I administered to him in his proper person, which I certify I know, the oath which he took in full form, by God our Lord, and the sign of the Holy Cross, under which he declared he would speak the truth as to what he might know and should be asked, and being interrogated as I have directed, he said that the Potrero which he knows as Espiritu Santo, has as its boundaries and natural outlines (terminus y linderos) the Arroyo Colorado, the Lagunes (Lagunas) of the sea, the Rio Grande, and on the side of the entrance, a thick wood; that he knows that the first who settled the said Potrero, was D. José Salvador de la Garza, who has had, and still has possession of it, with various others, whom some time afterwards he established there, under his protection or control (les puso a su arrimo) it being about eight years since he settled it; that he knows that these lands are vacant, and a part of the public domain, (valdias y realongar) because he has known no owner of them; that this is the truth upon the oath which he has taken, and this he confirmed and ratified; he said that he was seventy-five years of age, and that the general prohibitions of the law did not apply to him, and as he did not know how to write, I, the aforesaid Judge, did so for him, before me and my assisting witnesses, with whom I act as an examining Judge (Juez receptor,) all of which I certify.

JUAN ANTONIO DE ECHAVO.

Assisting witness,
José Lorenzo Treviño.

Assisting witness,
Tomas Flores.

And immediately thereafter before me, the aforesaid Judge, and my assisting witnesses in the present investigation, D. Jose Salvador de la Garza offered as his second witness Juan Damacio Perez, a Spaniard, and resident citizen of the said town, and I administered to him in his proper person, which I certify I know, the oath which he took by God our Lord, and the sign of

the Cross, upon the faith whereof he declared he would state the truth in all that he might know and should be asked, and being interrogated as has been ordered, he said: the party being present to see him take the oath as in the preceding examination, that the Potrero which they call that of Espiritu Santo, has upon one side and to form its figure (per un lado tieno y forma) the Rio Grande, Lagunes of the sea, Arroyo Colorado and a thick wood (heñal espeso) or thicket on the side of the entrance of the said Potrero, in the centre of which it has some ponds, when it rains, which slowly dry up; that the first who entered by breaking through the thicket, was D. José Salvador de la Garza, who possessed it, and still posseses it, with another whom he put there under his protection (a su animo metió) long after; that it must be something like eight or nine years since the said D. José Salvador has settled it; that he knows the said lands to be vacant, uncultivated lands, belonging to the public domain of the king, and that he has positively not known or heard mention of any other person as having settled (poblado) the said lands; that this is the truth upon the oath that he has taken; and confirming and ratifying it, he said that he was fifty years of age, and that the general prohibitions of the law do not apply to him, and as he also does not know how to write, I, the said Judge, have done so, before me, and my assisting witnesses, acting as an examining board (por receptoria), as before stated; which I certify.

JUAN ANTONIO DE ECHAVE.

Assisting witness,
José Lorenzo Treviño.

Assisting witness,
Tomas Flores.

In the town of our Lady, Santa Anna de Camargo, on the 16th day of the said month and year, before me, the above mentioned Judge and assisting witnesses, D. José Salvador de la Garza presented as his third witness, D. Juan Bautista Garcia, a resident citizen of the said town, and I administered to him in his proper person, which I certify I know the party being present, the oath which he took according to law, by God our Lord, and the sign of the Holy Cross, upon which he declared he would state the truth as to what he might know and should be asked, and being interrogated as is required, he said: That he has known the Potrero which they now call that of Espiritu Santo, about twenty-six years, in expeditions undertaken against the savages, as one of the first settlers of this town, and that he has always known it as an uncultivated vacant land belonging to the public domain of the crown, and that the Arroyo now known as the Colorado forms it upon one side, the Lagunes immediately communicating with the sea upon another, and on the third and southern side, the Rio Grande, closing on the west with a thicket; that he knows as public and notorious, that D. José Salvador de la Garza opened and broke through this thicket, making an entrance in it, when

he stocked, *settled*, it, which must be eight or nine years ago, without any other person having done so before; and that he knows and is sure that he has maintained under his care and protection, other persons whom he placed in it after he had entered and settled, *stocked*, the said lands, in which he has seen some fences and bars (trancas), which serve to close the entrance, all made by the said D. José Salvador de la Garza, who has enjoyed and kept in it his stock up to the present time, and that there are no permanent watering places, besides the Rio Grande; that this is the truth upon the oath that has taken, which he confirmed and ratified, and said that he was seventy years of age, and that the general prohibitions of the law did not apply to him, and that he does not know how to sign. I have signed with my assisting witnesses, with whom I act, as has been said; which I certify.

JUAN ANTONIO DE ECHAVE.

Assisting witness. José Lorenzo Treviño.

Assisting witness. Tomas Flures.

In the aforementioned town, and on the aforementioned day, month and year, before me and in this tribunal, and before the assisting witnesses, the party presented as his fourth witness for the present examination D. Lorenzo Serna, a resident citizen of this town, and I administered to him in his proper person, which I certify I know, the oath which he took in all form of law, by God our Lord and the sign of the cross, upon which he declared he would speak the truth as to all which he might know and should be asked; and after the party who was present to see him take oath, had retired, he said, that he is one of the first settlers of this town, and has known it for the period of thirty years, but on account of his having been a soldier, and for this reason, having been assigned to various detachments from this province, he was never in those times with his companions at the Potrero, which is now called that of the Espiritu Santo, but had on several occasions gone there himself, and knew it in consequence of having gone round the outside when only pagan Indians were living there, until D. José Salvador de la Garza, in the year seventy-one, invited him to accompany him and examine the said Potrero, to see whether it offered any advantage for the protection of the stock (bienes) of said D. José Salvador; and accompanying him, they went together to examine it, and arriving at a thicket that was there, through which, alone, they perceived they could make way, they did so by means of hatchets and knives, notwithstanding the danger with which they were threatened from the Indians; and having entered they saw the latter retiring, upon which they determined to go through the whole of the Potrero, in which they spent six days; that immediately after the said D. José Salvador put in it his stock (bienes de campo), improving it (pablandole) with build-

ings (hacales); that he made fences and cattle pens (corrales), and that the place of his entrance may be recognized by the bars (travices) in it, by which he knows, by actual observation, that the said Potrero was not settled before by any other person; and that the said thicket, Arroyo Colorado, Lagunes of the sea, and Rio Grande form it; that it was an uncultivated tract of land, full in all parts of small streams and ponds, which the freshets and rise of the Rio Grande, Arroyo Colorado and Lagunes of the sea, which inundate the said Potrero, have made, the men and animals then preserving themselves upon some elevation, that it has, all which he has seen in passing over it afterwards on repeated occasions; that he knows that D. José Salvador de la Garza, aforesaid, has conciliated and obtained good will of those Indians, by giving them beeves to eat and clothing to wear, and conducting himself with them with such courtesy (urbanidad), that he has brought some of them, both men and women, into the bosom of our Holy religion and caused them to be married by our Holy Mother Church, so that he is well known to keep some of them in his own house; and he also knows that, within the four years that the said Potrero has been settled, he has placed in it, under his protection, some residents, as well of this town as of that of Reynosa, and various others from beyond the frontier, who are now living in their respective settlements, by which he knows and it is true that the said Potrero and its lands are vacant and belong to the public domain of the Crown; all which he declares by the questions which were put to him, and has confirmed and ratified it to be true upon the oath which he has taken: he said he was sixty years of age, a little more or less, and did not know how to sign, and that the general prohibition of the law did not apply to him. I, the said justice (teniente) and commissioned Judge (Juez Commisionado), have signed before me and my assisting witnesses, with whom I act, as has been said, all of which I certify.

JUAN ANTONIO DE ECHAVE.

Assisting witness,
José Antonio Treviño.

Assisting witness,
Tomas Flores.

In the said town, on the same day, month and year, before me, the aforesaid Judge, commissioned for these proceedings, and my assisting witnesses, D. José Salvador de la Garza presented in this tribunal, as the fifth last witness in this investigation, D. José Xavier Salinas, a resident citizen of this town, and I administered to him in his proper person, which I certify I know, the party being present, the oath which he took according to law, by God our Lord and the sign of the Holy Cross, upon which he declared he would state the truth as to all which he might know and should be asked, and being interrogated, as is ordered, he said: That he is one of the first who settled and built this town,

in doing which he passed on many occasions along the outside of the said Potrero, which is now called that of the Espiritu Santo; and that although he was upon some of these occasions accompanied by others, he never determined, on account of the danger from Indians, to enter and examine the said land; but that it was known that a creek (Arroyo) known as the Colorado, lagunes opposite the sea, the Rio Grande and a dense thicket, made and formed the said Potrero, in which only pagan Indians dwelt; and that it remained without being settled by any person until the year seventy-two, D. José Salvador de la Garza entered to settle it with his stock, and by building dwelling houses, cattle pens and fences that he made where he has remained, without having ever been dispossessed of it, and still remains up to the present time; that he knows that something like four years afterwards he established (agregio), as well in the said Potrero, as in its immediate neighborhood, several other residents of the towns of Reynosa and Camargo; that it is a country, as is publicly known as to the most or the whole of the Potrero, which is covered with water by the freshets which often happen in the said Rio Grande, Arroyo Colorado and lagunes, as is confirmed by its being notorious; that the said D. José Salvador de la Garza was once surrounded by water (islendo) and was not able to escape for some days, and this dangers threatens him in such freshets with destruction to himself and also the loss of his property (bienes); that he has always known and considers the said Potrero as vacant and belonging to the public domain of the Crown; that this is the truth upon the oath that he is taken, which he confirmed and ratified: he said that he was seventy-four years of age, and that the general prohibition of the law did not apply to him, and this he has signed before me and assisting witnesses, acting as an examining Court (por receptoria), as above mentioned; all of which I certify.

JUAN ANTONIO DE ECHAVE.

Assisting witness,
José Antonio Treviño.

Assisting witness,
Tomas Flores.

And this examination, which was taken officially, being completed, they proceeded to the actual inspection (vista de ojos) in the following form:

In the said estate (estancia) of the Espiritu Santo, on this the twenty-sixth day of the said month and year, I, the said Judge, accompanied by my witnesses, and all those above named, who appeared in consequence of the citation made to them, taking as a guide D. Lorenzo Serna, on account of the complete acquaintance that he has and enjoys (que tiene y le asisto) with the said Potrero, in respect to the recesses, bends, and elbows, (rinconadas, bolsas y recodos,) that, as we are informed, the Rio Grande del Norte, the Lagunas of the Sea, and the Arroyo Colorado, which form it,

make—the expert surveyor going likewise with us, went into the field to begin, as I did begin—the actual inspection (vista de ojos) of the aforesaid land and the places which surround it, water holes, and the nature of the ground (terreno): and, for proof thereof, I have made this official statement (lo puso por diligencia), which I have signed before myself and my assisting witnesses, with whom I act as examining Judge (Juez Receptor), all of which I certify.

JUAN ANTONIO ECHAVE.

Assisting witness,
José Rafael Lopez.

Assisting witness,
José Benito Lopes.

In the aforesaid estate, on the thirtieth day of the said month and year, I, the aforesaid Judge, having terminated the actual inspection of these lands of Espiritu Santo, which was done in company with the appointed Surveyor, D. Manuel de Sinralta, and other persons already mentioned, I have noticed the courses of its lines, the centre, and the nature of the ground, which is uncultivated (eriaso), on account of the many breaks and (derrames), which it contains, as well as the many expanded and large ponds which surround, and prove that the most, or the whole, of the Potrero is inundated by them in the rises of the said Rio Grande and Arroyo Colorado, especially since from these last issue the said ponds and lakes, the latter being fed equally by the high tides of the sea, so that when they unite, the danger before spoken of, is apparent, (I mean,) that of being drowned with no chance of escape, except on some small eminences that the said Petrero has, or by the people escaping in boats to any land (biena firmé), at a great distance, as the water extends, in these cases, as much upon one side as the other—from the river and from the Arroyo—so that the most of the said ground of this Potrero is only covered with a kind of grass, called sacaquite, not at all fit to be eaten by any animal, as is known by experience, it being an herb which usually grows upon salt marshes near the coasts of the sea, and the said Potrero contains no permanent watering place, except the Rio Grande, and, when it rains, some pools, which dry up in a short time; this, also, happening with the said ponds (estéros); and, then, the waters of the Arroyo Colorado, on account of their brackish and bitter nature, are like those of the sea, on which account it is only useful, as regards horses and other stock, by the security and protection, which it afforded, on account of the said Potrero not having but one entrance and exit through the dense thicket, which runs across it from the Arroyo Colorado to the Rio Grande; all of which I set down in this official statement (pengo por diligencia), signing it before me, and the rest of those cited and present, who have learned the same facts, and the surveyor,

acting as an Examining Court, as has been said; all of which I certify.

JUAN ANTONIO DE ECHAVE.

MANUEL DE SIERRALTA,
JUAN JOSE DE LA GARZA FALCON,
BARTOLOMO TREVINO,
PEDRO VILLAREAL,
JOSE ANTONIO DE LA GARZA FALCON,
JOSE SALVADOR DE LA GARZA.

Assisting witness,
José Benito Lopez.

Assisting witness,
José Rafael Lopez.

In the said estate, named the Espiritu Santo, on the first day of the month of July of the aforesaid year, I, the aforementioned Judge, in consideration of the completion of the actual inspection (vista de ojos) of the said Potrero, and inasmuch as no opposing circumstance has been raised by it to impede or prevent the survey and examination (reconscimiento) of its lands, as is ordered to me, in consequence thereof,it is my duty to order, and I do order, to pass to its execution, and it must begin from a watering place (ahoraders), that there is on the Rio Grande, where it forms a corner with the fence, which runs to this place from the north to the south, which is the line of the thicket, which comes from the Arroyo Colorado in the same direction, and for its proper effect, I set down in this official statement before me and the witnesses, with whom I act as an Examining Court, as has been said, which I certify.

JUAN ANTONIO DE ECHAVE.

Assisting witness,
José Rafael Lopez.

Assisting witness,
José Benito Lopez.

In the watering place above mentioned of the Rio Grand del Norte, being in it on the second day of the said month and year, I, the aforesaid Judge, accompanied by assisting witnesses, adjoining proprietors and neighbours (colindantes y concomre cinos) as well as within as without the said Potrero, which are the same. since there are no others than these already named for the actual inspection ordered D. Manuel de Sierralta the Surveyor, nominated and sworn in due form for this survey, to begin to exercise his office, and he, before me, the witnesses and the other persons present aforesaid, took a staff of the usual length, and attaching to it one of the ends of the measuring cord, (cordel) prepared for this purpose, measured away from the said staff and gave the cord fifty varas in length, the vara being that used for measuring cloth in Castiel, and the customary one in this Province of New Santander, and having measured off the said fifty varas, he attached the said cord at the place where they ended to another staff, of the same size, so that between the both, there

were only measured the said fifty varas, and setting a compass, he ran the first line from the aforesaid watering place, course east, going in a straight line along the meanders of the said Rio Grande, down the stream, arriving with five hundred and eighty-four (cordeladas) measures of fifty varas each at the aforesaid river, at a el, (derrame) from it, by which, in its freshets, it fills with water a tank (tanque) which was left above (que quido por la parte de arriba) at a distance of six cordelas, which was left as a natural land mark, (por lindero) in which place I ordered the Denuncians D. José Salvador de la Garza to establish a more exact fixed mark (mas señal fixa) as a corner, (mojonera,) there remaining on this line towards the south some recesses and elbows (belsas y recodos) which the bends of the above-mentioned Rio Grande formed, that the Surveyor said he would notice, after completing the other lines, in order to include in the entire amount of the square leagues (sitios) those which might be in the said bends and elbows, and this line being concluded up to the said place of the , I have set it down in this official statement, which as well the said Surveyor and interested party, as the rest of the adjoining proprietors and neighbours, who were knowing to this fact have signed before me, and the assisting witnesses, acting as an examining tribunal as has been said, all of which I certify.

JUAN ANTONIO DE ECHAVO.

MANUEL DE SIERRALTA,
JUAN JOSE DE LA GARZA FALCON,
JOSE SALVADOR DE LA GARZA,
PEDRO VILLAREAL,
JOSE ANTONIO DE LA GARZA FALCON,
BARTOLOMO TREVINO.

Assisting witness,
José Benito Lopez.

Assisting witness,
José Rafael Lopez.

In the third place of the of the river, in which ended the first line, on the third day of the said month and year, before me, witnesses and the other persons, the said Surveyor measured the surveying end, making it as he had made it, fifty varas in length, by the aforementioned vara for measuring cloth in Castile, as upon the foregoing day, and setting the compass, he ran this second line straight to the north, and at two hundred and six cordeladas, we came to the head of one of the Lagunes of the Sea, besides others that were seen to the east, and having gone round the head of the first one and various others that succeeded, communicating with each other, following always the north course, the surveying end came into a bend or little pocket which the said Lagunes make, these being on the west and east until they reach the "Lagunas Madres," which are formed by the Arroyo Colorado, and in which its waters empty and flow, there being

far within this line something more than a league, a place improved (poblado) with houses (hacales) and cattle pens, named San Juan del Retiro, where are living some herdsmen (vaqueres,) tenants of the aforesaid D. José Salvador de la Garza, and there being no more land on account of our having reached the said Lagunas Madres, and having nothing before us but water, the second line amounted to nine hundred and ninety-three cordelas in the whole, the ends having been measured over again several times in the distance ran, as was also done on the first day, all of which I set down in this official statement, which the Surveyor and interested party, and the others who accompanied us and were knowing to the facts, have signed before me and the witness with whom I act, as has been stated, all of which I certify.

JUAN ANTONIO DE ECHAVE.

MANUEL DE SIERRALTA,
JUAN JOSE DE LA GARZA FALCON,
JOSE SALVADOR DE LA GARZA,
PEDRO VILLAREAL,
JOSE ANTONIO DE LA GARZA FALCON,
BARTOLOMO TREVINO.

Assisting witness,
Benito Lopez.

Assisting witness,
José Rafael Lopez.

In the place on the banks of the Arroyo Colorado, where it begins and expands its head Lagunes, (lagunas madres) at which place we arrived by going round, and even wading through the water of the Lagunes, that we had to the west of the second line, when we entered by it, the bend, or little pocket before mentioned, which thus remained a natural landmark, together with an artificial one (señal) which was placed there, while, at the same time, another was placed where this third line began, by measuring from one to the other within the Potrero del Espiritu Santo, at a distance from the Lagunes, which circumstance induced us to execute the survey in this way, on account of finding no firm ground or foothold there, (mingun paso,) in which place, before we, witnesses, the Dommirant, and others already mentioned, the Surveyor again measured his end, which he made fifty varas from staff to staff, the same vara as aforesaid, and setting his compass, began this third line along the meanders of the said Creek, (Arroyo) up the stream, course west, and at three hundred and nine cordeles, the aforesaid Surveyor noticed that the said Creek turned south, as though crossing the Potrero del Espiritu Santo, on which account following the said course to the south as well as the said Creek permitted, keeping always near its banks, at a distance of a hundred cordeles, it was found impossible to follow any line further, on account of the country being inundated by a large lake, and little streams, running into the Colorado, into which they emptied their waters, as also by a dense and impassable thicket, which joined the said Arroyo Colorado and Lake, which entirely prevented the running of this

line; but those experienced and well acquainted with the bends which the said Arroyo made, declared that at some distance beyond the place where we were compelled to stop, the aforesaid Arroyo turned again to the west; as to which line, the Surveyor agreed with the experts, and the interested party, that it ought to have, and did have, the same number of varas in length as the front line of the Rio Grande, that is, five hundred and eighty-four cordeles, on account of the second line running along the Lagunes, (or the second line of the Legunes,) (segunda linea de las Legunas,) from the south to the north, and from our actual inspection, (vista de ojos) there corresponded to it for the fourth line, one from the north to the south, as, indeed, the fence seen upon this line shows; and on account of this calculation, the interested party was ordered to establish an artificial landmark, which might serve as a corner, (señal que sisiera de mojonero:) and this official statement, all the proper persons, and those who were knowing to the facts, have signed before me, and the witnesses with whom I act as an examining Tribunal, as has been said, all of which I certify.

JUAN ANTONIO DE ECHAVE.

MANUEL DE SIERRALTA,
JOSE SALVADOR DE LA GARZA,
JUAN JOSE DE LA GARZA FALCON,
BARTOLOMO DE TREVINO.

Assisting witness,
José Benito Lopez,

Assisting witness,
José Rafael Lopez.

In the aforementioned place of the thicket and the lake, which prevented the running of the third line, aforementioned, as has been said, which line was concluded (or came to an end) (se conclugo) on the 7th day of the said month and year, the fourth line followed on the 8th day succeeding, in the present and aforesaid month; and as to this last line, it was likewise impossible to follow it up with the surveying end, on account of the impenetrable nature of the thicket, the lakes and drains (resacas) which, interwoven with the said thicket, made it difficult, by the necessity of deviating from a straight course (por si dando melta) in most of the said line; but it was agreed by the experts and intelligent men who accompanied us, that the said insurmountable difficulty (dicho unposibilidad) continued along the said line for a distance of five leagues, and in this the interested party agreed, till coming, as we in fact came out at the fence, which he had set up on this point in the clear ground (en lo raso) at which place the surveyor aforesaid measured his end, and making it the fifty Castillian varas, set his compass, and observed that the said fence run from north to south, and pursuing this course, we came at two hundred and twenty-five cordeles to the watering-place, where this survey commenced on the Rio Grande del Norte, where it closed, and adding the two hundred and twenty-five cordeles, with the five leagues through the thicket and water, they make up the quantity of six hundred (seven hun-

dred) and twenty-five cordeles, and the said surveyor, having already made a calculation for this purpose of the bends and elbows which the said Rio Grande forms, belonging to the first line, he declared that in these last and under the four said lines, were contained fifty-nine square leagues, (sitios de Ganado Mayor) eleven and one-half cavallerias of land in favor of his Majesty, according to his skill in the art of surveying, ratifying this by the oath which he has taken, all of which I set down in this official statement before me and my assisting witnesses, the persons already mentioned being present, who signed on their respective accounts, and as to those who could not write, I, the said Chief Justice of the town of Camargo, and Judge, commissioned for this business, have done so for them, acting as an examining tribunal, as has been said. I certify. JUAN ANTONIO DE ECHAVE.

MANUEL DE SIERRALTA,
SALVADOR DE LA GARZA,
JUAN JOSE DE LA GARZA FALCON,
BARTOLOMO TREVINO,
JOSE ANTONIO DE LA GARZA FALCON.

Asst. wit., José Rafael Lopez. Asst. wit., José Benito Lopez.

And notwithstanding that two of the adjacent proprietors made opposition, inasmuch as they did not present their objections in form, nor exhibit their titles, the Justice, acting as commissioner, proceeded to give the public notices required by law, and a day having been appointed for the sale, (remate), it was made in the following form:

In this said town of Santa Anna de Camargo, on the twenty-second day of this present month and year, and the last day of public notice for the sale, I, the said commissioned Judge, caused the drum to be beaten, in the same place, directly after high mass, and by the voice of the public crier, I gave notice of the sale before the command, and (el Ser. Capitan), the Reverend Father, the Priest of this town, various neighbors, and D. José Salvador de la Garza, and seeing that the hour had now arrived, in which it is and has been usual and proper, (regular) to make the said sale, I ordered the last call to be given, and there was no one who would bid (pusaia) more than twenty dollars, which D. José Salvador de la Garza has bid, and the said estate, (agostadero), was adjudged to him after twelve calls, (con de el pegones), which I made or repeated on this the same day of sale, and so that he, D. José Salvador de la Garza, might have it for his good and profit, (breno pro), and he signed with me and my assisting witnesses, with whom I act as an investigating tribunal, which I certify.

JUAN ANTONIO DE ECHAVE.

JOSE SALVADOR DE LA GARZA.

Asst. wit., José Benito Lopez. Asst. wit., José Rafael Lopez.

In the aforesaid town, on the said day, month and year, before me, the said Justice (Teniento), seeing that the thirty days for the daily notice of the sale, which I was ordered to give, by this order of the Government (esto superior despacho) were entirely completed, as well as the day which I had fixed for this sale, the said José Salvador de la Garza, on his part, was content, and he having expressed his compliance and accepted the said Potrero, before the Commandant (Capitan), D. José Antonio de la Garza Falcon, the Reverend Priest of this town, Brother Francisco Villuendos, the Regidor, having the first note, D. Miguel Chapa, the Procurador, D. Augustin de la Garza, and other citizens, who were present, and in order that this may appear in all time to come, I make this official statement, which the said D. José Salvador de la Garza has signed with me and my assisting witnesses, acting as an examining tribunal; all of which I certify.

JUAN ANTONIO DE ECHAVE.

JOSE SALVADOR DE LA GARZA.

Assisting witness, José Benito Lopes.

Assisting witness, José Rafael Lopez.

And these proceedings having been sent up, (the party) exhibited the petition of the tenor following:

I, Balthasar de Vidarri, for D. José Salvador de la Garza, a resident citizen of the town of Camargo, in the colony of New Santander, in the proceedings as to the denunciations of lands, to which he has given the name of Espiritu Santo, according to the record (escrito) of sixty-seven leaves, part the second, so far as the law allows me, state: That an order having been issued to take the steps prescribed in the Royal decree (Accordado) for the grants and sale of these lands; all these steps were taken by the Justice of the said town of Camargo, as the paper book (quaduno), in which he gives an account of his proceedings, shows that, without meeting any other opposition than that of D. Bartholomo Fernandez, an adjacent proprietor on the side of the entrance of the Potrero, with respect to the fourth and last line, on the ground of its having happened that one of his estates (tienas), which ran into the Potrero on the east to a dry well, was crossed and intersected by this line; that he was asked for his titles and did not exhibit them, but a period of three months was assigned to him, counting from the first of September of the year last passed, to appear to sustain his opposition in this special tribunal; and he not having done so, I charge him formally with contumacy (rebeldia) on the fifty-second leaf. With respect to the sale of the sitios and caballerias, I ought to represent to your Honor, that they are valued at two dollars per sitio, and one real per caballeria; but as my principal has suffered so much opposition, as the proceedings prove, and as his opponents knew the necessity he was under to have the lands on account of his stock

(bienes), before mentioned, to which he was greatly attached, having been established in them. It was by a motive of malignity, and to do him an injury, as the Justice (Teniente) states, that they bid up the sitios to twenty dollars. This is an extraordinary disproportion, since what they made him pay is with reference to the price of the valuation, nine times more than the proper price, and it is not permitted even in public auctions to sell with such extremes (en estos terminos); for in those auctions, bidders cannot go beyond the highest price (*i. e.*, paid at the just valuation,) and this is much most true when the affair is effected with bad faith, and a disposition to do an injury to him who buys from necessity, as was the case in the present instance. Wherefore, I pray your Honor that, while you are pleased to approve the proceedings had, and the sale made to my principal, you will be pleased also to reduce the price to what is just, and this your prudent judgment will determine; and in case this cannot be done (which he hopes will not be the case), my principal will have to pay the full amount of the twenty dollars for the sitios, and of the real for the caballerias, which are eleven and a half, and fifty-nine sitios, in order that the necessary instrument to serve him as a title, and by virtue of which he can enter into possession of the lands, if he should desire it, may be in good time delivered to him. And, as to all this, submitting it to the examination of the Attorney of the Treasury (Albogado Fiscal), I pray your Honor to be pleased to order as I here ask, and I take the formal oath as to all necessary averments, &c.

DR. MANUEL DE GARISNAIN ARANGUTI,
BALTAZAR DE VIDAURRI.

Mexico, the 17th of July, 1780.

To the Attorney of the Treasury, (or of the government:)

The Oidor and Special Judge has so ordered, as above prayed, and signed with his rubric.

(Marked with a rubric.)

Before me:

JOSE DE MONTALRAN,
Royal and Provincial Notary.

The Attorney of the Treasury, upon examination of these proceedings on the denunciation made by D. José Salvador de la Garza of the Potrero, called that of Espiritu Santo, in the Colony of New Santander, says: that by virtue of the second order issued for the proceedings under the Royal decree, (durdado,) the statements of the party and those taken officially were received, in the fifth paper book, by which the land was shown (resultó) to belong to the public domain of the Crown, (realenga,) and the denunciation having been publicly announced (publicada) on the thirty-first leaf, actual inspection (vista de ojos) and survey followed, in which it was found (reconosis) that the Potrero con-

tained fifty-nine sitios, "de Ganado Mayor," which were rated at two dollars, besides eleven and a half caballerias, estimated at a real, at which prices the denunciant made a bid; and notices having been given, another third party appeared, who made various bids, until, on running up to twenty dollars for each sitio, the sale was made to the denunciant himself, without any important defect appearing in the said proceedings, since it is of no moment that the denunciant was published after the testimony had been taken, and though this did not precede the citation of the neighbors, (incum vecinos,) on account of the distance of their residences, they were received for the actual inspection (vista de ojos) and survey, in which they were present, according to the thirty-third leaf, on the reverse, and the following.

The matter most worthy of note which appears, (in the proceedings,) is the opposition that D. Bartholomo Fernandez made on the fortieth leaf, saying, that by the line which had been run from the north to the south, some land of his had been taken, since his tract ought to extend to a dry well which had been adopted as a boundary in the surveys made in favor of D. Narciso Cavazos; but on notifying him on the reverse of the leaf to exhibit his titles, he answered that they were in this Tribunal, on which account he was given, according to leaf fifty-two, a period of three months, counting from the first of September of the year last past, to appear in this Tribunal to support his opposition, which he has not done in more than ten reckonings from that time.

To this it may be added, that the proceedings and surveys which were made upon the application of D. Narciso Cavazos are those that begin the first paper book (quaduno) of these acts, (antos,) in which it appears that on the thirtieth leaf that they ran below the watering place (abrera dero) of D. Eugenio and D. Bartolomo Fernandez, and these (surveys) were disapproved by your Honor, on the reverse of the fifty-first leaf, on account of its having appeared that the denunciant, D. José Salvador de la Garza, had settled (poblado) the Potrero from the year seventeen hundred and seventy-one, and had denounced it in seventy-two before the Lieutenant-General of the Colony: and that various other persons had joined him, under his protection, or with his consent, and placed there their stock, among whom was the aforesaid Cavazos; and that the latter, notwithstanding this, denounced almost all the Potrero, giving it the name of Santa Rita; and after the proceedings required by the royal decree (durdado) had been made, an application was made by the denunciant, and they were declared of no avail, and ordered to be made again in favor of D. José Salvador de la Garza, who was the first to settle and denounce; whence it follows that the surveys made upon the application of Cavazos were of no benefit to him or Fernandez who has exhibited no other title, and the

more readily as it may be inferred that he entered under the protection of the denunciant, or some one of those to whom he had granted permission to introduce their stock.

It ought to be observed that the valuation of the sitios was two dollars for each one, and that on account of the bids they were knocked off to the denunciant at the rate of twenty dollars; on which account he asks the price to be reduced to what the prudent judgment of your Honor may think right; although in case that this is not done, he states that he will have to pay the full amount, compelled thereto by necessity, and on this point it is to be noticed that on the fifty-fifth leaf of the fifth paper-book, the Commissioner (Comisario) states that the citizens of the town of Reynosa, to injure the denunciant, ran up the price to twenty dollars. It also appears, by the first paper book, on the reverse of the fifty-eighth and the following, that the said citizens, influenced from that time forth by D. Narciso Cavazos, filed their opposition (opusicion) on the seventy-fourth leaf to the grant of these lands to Garza, and colluding together, as the Justice (Teniente) of this town gives us to understand, threw obstacles in his way, by preventing the performance of the proceeding required by the Royal decree, until a second order was issued committing them to the Justice of Camargo.

It likewise appears on the reverse of the thirty-fourth leaf of the first paper-book, that when the first proceedings were had on the application of Cavazos, each sitio de Ganado Mayor was valued at twelve reals, to which the Attorney of the Treasury (Abegado Fiscal) ought to add, with the good faith which belongs to his office, that in the internal Provinces (provincias internas) and in distant places, sitios de Ganado Mayor are generally valued at these prices, of twelve reals and two dollars, or at three or four dollars, and on some occasions at one dollar; and that in the proceedings under his custody, as to the estate of Canisitos, in the same jurisdiction, they are rated at two dollars, and in others upon which he is engaged, as to lands surveyed between the towns of Reynosa and San Fernando, denounced by D. Antonio de Unizan, the valuation was made at four dollars, by which the Attorney of the Treasury does not oppose your Honor's exercising the functions belonging to your office, and reducing the price to the amount which you may think right. Upon consideration of the whole matter, your Honor will be pleased to approve the proceedings had, adjudging or granting by way of sale to the denunciant, D. José Salvador de la Garza, the fifty-nine "sitios de Ganado Mayor," and eleven and a half caballerias of the Potrero del Espiritu Santo, under the natural outlines (linderos) which the surveys state, (que expresan las medidas,) and ordering that, when the amount which the sale brought, or that which your judgment may reduce it, is fully paid, and the duty of "media anata" satisfied, a report be made, with these proceed-

ings annexed, to the Royal audience; for the confirmation, if such should be their supreme pleasure, and that after their return, (i. e., the proceedings,) the corresponding be issued.

Mexico, and July 22d, 1780.

Licentiate, MARTIN DE ARAMBURUS.

Mexico, the 29th of July, 1780.

In consideration of these proceedings, together with what is asked by the attorney of the Treasury, I approve the proceedings had, and I adjudge and grant by way of sale (haghedjudicacion y merced per via de venta) to D. José Salvador de la Garza, the fifty-nine sitios de Ganado Mayor (square leagues), and eleven caballerias of land under the natural boundaries (linderos) which the surveys state (que expresan las medidas). And in consideration of the circumstances of the affair, and the ill-designed vexation of the bids that were made, it being apparent that this was done with intention to injure the denunciant, by reason of the permanent establishment (radicacion) of his property (bienes) in the Potrero del Espiritu Santo, and it appearing, as it does appear in this Tribunal by different documents (espedientes) which are here preserved, that the Sitios de Ganado Mayor, in those places are valued and sold, the highest at four dollars, I think it proper to reduce the price from that of twenty, to that of eight dollars, to which sum it amounts by quadrupling the valuation of these sitios, and upon the full payment into the Royal Treasury (caja) of this Court, of the four hundred and seventy-two dollars to which this amounts, together with the eleven reals for the eleven caballerias, and their media analata, these proceedings (autos) shall pass to the Royal Audience for the confirmation of this grant, and when they are returned, notice shall be given for the issuance of the Title, or whatever may be fitting. D. Francisco Xavier de Gamboa, of the Council of his Majesty, his Oidor in the Royal Audience of this New Spain, and Special Judge of sales of vacant and public (real engas) lands and waters has thus ordered and signed.

GAMBOA.

Before me:

JOSE DE MONTALRAN,
(*Escribano Real y Provincia*)
Royal and Provincial Notary.

To the Royal Offices of the Royal Treasury and Chest (Havienda y caja) of this Court:

Be pleased to order the receipt of four hundred and seventy-three dollars, three reals, at which D. Francisco Xavier de Gamboa, as special Judge of vacant and public (real engas) lands and waters, has made adjudication and grant by way of sale to D. José Salvador de la Garza, of fifty-nine sitios de Ganado Mayor, and

eleven caballerias of land within the Colony of New Santander, jurisdiction of the new Kingdom of Leon, and this amount shall be placed to a separate account, in consideration of what is usual for its remittance to Spain in its customary form, returning this order endorsed, that it may appear in the proceedings on this subject.

Mexico, the 29th of July, 1780.

JOSE DE MONTALRAN,
Royal and Provincial Notary,

Entered on the two hundred and forty-second leaf (fojas) of the Book of Orders (villetes), on the third day of August, one thousand seven hundred and eighty.

GUERRERO.

On the third day of August, one thousand seven hundred and eighty, the three hundred and seventy-three dollars, three reals (tomines) which this order mentions, were paid into this Royal Chest (caja). Mexia.

CARILLO.

On the third of August, one thousand seven hundred and eighty D. José Salvador de la Garza, to whom the special Judge of lands has adjudged and granted by way of sale, fifty-nine sitios de Ganado Mayor, and eleven caballerias within the limits of the Colony of New Santander, paid in reals of this Court, eleven dollars six reals and eight grains which the royal duty of media annata imposed, computed at the half of what at five per centum, the amount of four hundred and seventy-three dollars three reals brings, which latter sum he has paid (senido) as appears by the order, which, with the endorsement of the Royal officers, remains in this general office of accounts of the said Royal duty, under my charge.

In testimony whereof, and that it may appear whenever proper, I give the present certificate in Mexico, on the said day, month and year.

LASARO DE ARRECETO Y GARZA.

Very Powerful Lord.—The only thing which can be found to prevent (como embaraso) the grant and the sale of the lands of the Potrero del Espiritu Santo deserving the Supreme confirmation and approbation of your Highness, is that D. Bartolome Fernandez has not yet been heard as to the opposition he made in respect to a certain plea in them, and likewise that the sale and adjudication (remate) has not been made for the price of twenty dollars, which the bidder, D. José Salvador de la Garza offered for each sitio, being reduced by your special Judge to that of eight dollars, which seemed to be their just and true worth; and as to the first point, it must be supposed that the said D. Bartolome Fernandez, although required, has not exhibited or shown his titles, by virtue

whereof he made his opposition, which circumstance persuades us that this opposition was entirely based upon the proceedings and surveys had upon the application of D. Narciso Cavazos, which, as they were disapproved and annulled, would not give him any right, and this, together with the fact of his not having appeared in the special tribunal, either in the three months assigned to him, or in the other seven which have elapsed since, induces a violent presumption that *that* his opposition was malicious and unfounded, and raised (de ducida) with the object of hindering and delaying the resolution of the matter to the prejudice not only of D. José Salvador de la Garza, but also of the Royal Treasury; on which account it is proper that it be neither considered as of moment, nor worthy of such attention as to delay or suspend, on its account, the confirmation. And as to the reduction and abatement of the price of the sitios made by your Special Judge, although on the one side, it must be considered that the cause of the sale of the said sitios, coming to be made as high as twenty dollars, was that D. Salvador de la Garza, had suffered so much opposition, and his opponents had learned the necessity he was in of obtaining these lands, on account of his stock having been established in them, so that, assured by this circumstance, that Garza would not hesitate (reparasia) as to the price, by a motive of malignity, and to do him an injury, as the Justice (Teniente) states, they ran up the sitios to twenty dollars, still, on the other side, it is to be noticed that as to the first bid of ten dollars, it cannot be said that there was fraud in it, because this bid is not so much out of proportion with the two dollars at which the sitios were valued, and this is more evident since, (Y mascuando) as the attorney of the treasury (Abogado fiscal) states, and the aforesaid order of your special Judge supposes, in these provinces the citios generally worth two, three, or four dollars, the difference from which sum to that of ten dollars, is not so great that it can be said to exceed the bounds of justice, particularly if we reflect that things are worth as much as they will bring. On which consideration it is the opinion of the Fiscal (*i. e.* the Attorney General, or chief law adviser of the crown) that it would be proper to abate and reduce the amount of twenty dollars, at which the property was knocked off, (se verificó el remate) to that of ten dollars, which is the mean, and at which the first bid was made. Wherefore your Highness will be pleased, if it should be your supreme pleasure to confirm and approve the grant and sale, made by the Special Tribunal to D. José de la Garza, of the lands of the Potrero named the Epiritu Santo, under the limits and natural outlines (terminus y linderos) which the surveys state (que espersan las medidas) to do so, with the proviso that he must contribute and pay the other two dollars belonging to each sitio, its price being reduced to that of ten dollars, the proceedings being then returned to the said Tribunal, in order that after the aforesaid payment is made, the corresponding title may be issued to him.

Mexico, October twenty-first, one thousand seven hundred and eighty.

MERINO.

Mexico, December eleventh, one thousand seven hundred and eighty.

Let it be reported with the proceedings annexed.

The Regent, VILLAVRUTTIA.
Asedo-Licentiate FLORES.

In the City of Mexico, on the eighteenth day of July, one thousand seven hundred and eighty-one, the President Regent and Oiders, (Precedente Regente y Oideres) of the Royal Audience of New Spain, having examined the proceedings which the Oidor, I, Francisco Xavier de Gamboa, Special Judge of lands and waters, has reported as to the denunciation made by D. José Salvador de la Garza, of the Potrero named Espiritu Santo, in the colony of New Santander, in which are comprised fifty-nine citios or Ganado Mayor, and eleven caballerias of land, in order that the adjudication which the said Judge, on the twenty-ninth day of July, made of the said sitios and caballerias of land might be confirmed, reducing the price from twenty dollars, to which the bids that were made ran, to that of eight dollars, to which it amounts by quadrupling the estimated value of the said sitios, for the reasons which he states in his order; having examined likewise the proceedings that were had by order of the said minister for the said adjudication, and what is asked by the Fiscal of his Majesty in his reply of the twenty-ninth of October, of the same year of eighty, with the other fitting circumstances. Have said that they confirmed, and have confirmed (confirmaran, y confirmaron) the grant made by way of sale by the aforesaid Special Judge of lands to D. José Salvador de la Garza, of the citios and caballerias of land which his decree of the twenty-ninth of July of the past year comprehends; with the proviso that the price of each one of them must be paid at the rate of ten dollars, and that consequently whatever with respect to this is wanting to complete this amount, must be contributed and paid, as likewise the sum of one hundred dollars, as a contribution to his Majesty for the favor conferred in excusing him from having to his Royal Person for the confirmation, in the form provided in the Royal order (uanla) of the fifteenth of October, one thousand five hundred and fifty, and they likewise ordered and have ordered (mandaran y mandaron) that for the prompt fulfilment of all, everything respecting this subject be returned to the aforesaid tribunal of lands. And so they have decided, and signed by their rubrics.

Regenta VILLAVRUTTIA.
Asedo-Sugando JOSE MAXIMO VILLARECA.

This corresponds, with its original, to which I refer. I certify,
JOSE MAXIMO VILLARECA.

To the Royal Officers of the Royal Treasury and Chest of this Court:—

Be pleased to order the receipt from D. José Salvador de la Garza of a hundred and eighteen dollars on account of the two additional dollars, for each sitio of the fifty-nine, which D. Francisco Xavier de Gamboa, Special Judge of lands and waters, has adjudicated and granted to him by way of sale in the colony of New Santander, as is provided by the Royal Audience, and also one hundred dollars that the said Royal Tribunal has fixed for the favor of the confirmation, and this amount shall be accounted for separately, in view of what is usual for its remittance to Spain in the customary form, this order being returned endorsed, that it may appear in the proceedings upon this subject.

Mexico, the twelfth of September, one thousand seven hundred and eighty-one.

JOSE DE MONTALRAN,
Royal and Provincial Notary.

Entered on the reverse of the hundred and seventy-third leaf of the Book of Orders (Villetes), on the thirtieth of September, one thousand seven hundred and eighty-one.

BARRANDEGUAL.

On the thirteenth of September, one thousand seven hundred and eighty-one, the two hundred and eighteen dollars, contained in this order, were paid into these Royal Chests, (Cajas.)—Mexia.

CARRILLO.

On the thirteenth of September, one thousand seven hundred and eighty-one, D. Salvador de la Garza, to whom the Royal Audience of this capital has confirmed the grant, which D. Francisco Xavier de Gamboa, as Special Judge of lands, has made to him of fifty-nine sitios within the limits of the colony of New Santander, ordering him to pay two dollars more for each sitio on the price for which the grant was made to him, has paid into the Royal Chests of this Court sixteen dollars, five reals, nine grains, which the Royal duty of Mexia annata caused, in this form, two dollars, seven tomines, three grains, as the half of the income at five per centum per annum of the sum of one hundred and eighteen dollars, the amount of the two additional dollars on the value of the lands, and the remaining thirteen dollars, six tomines, six grains for the favor of the confirmation, as is shown by the order, which, with the endorsement of the Royal Officers, remains in this general office of accounts under my charge. In testimony whereof, and that it may appear wherever proper, I give the present certificate in Mexico, on the said day, month, and year.

On account of the absence of the accountant.

DIEGO DE COVARRUBIAS.

In consideration of the order of the President Regent and Orders (Precedente Regente y Oideros) of a Royal Audience, and in pursuance of a decree, which I made on the tenth of the current month, I have determined to issue these presents, by which exercising the powers conferred on me by the Royal Decree and Instruction of the fifteenth of October, seventeen hundred and fifty-four, I declare that José Salvador de la Garza has complied with what is ordered in it, (*i. e.*, the Royal Order,) and in the name of his Majesty (whom may God preserve), and without any prejudice to any third person, or community of Indians, I admit him to purchase, I adjudge and grant, by way of sale, fifty-nine sitios de Ganado Mayor and eleven caballerias of land, within the limits of the colony of New Santander, and not exceeding its natural boundaries (linderos). I supply and dispense with any defect of the grant or of vicious titles, and the defects in his possession of these lands, in order that he may not be obliged either on this account, or any other, to submit to a re-survey (ne se le oblique á medidas), nor compelled to exhibit any other title to be given to him, since I now give him as ample and sufficient a title as he may have need of for the property (propriedad) of the said lands, whose fruits, and whatsoever ways (entradas y salidas), uses, customs, and servitudes it has or possesses by customs and law (defuero y de derecho), he may enjoy, without excepting or reserving anything from the said José Salvador, or whoever may have his title (causa), or represent his rights, with the proviso that he must stock and cultivate them, with what they require, in conformity with the ordinances of the kingdom which treat upon this subject; and that if, at any time, the whole or a part of the said lands is needed for any establishment (fundacion) of a fort, town, or place, he must leave what may be thus needed free and unencumbered (libro y desembaracado), on being paid what it may be worth at the time, (paquandole lo que á la sazon valiero:) with which proviso, let them (*i. e.*, the lands,) be his and his heirs and successors, as held and acquired by their own and a legitimate title of property, which is these presents. And I order the Justice of that Province, that, whenever the aforesaid D. José Salvador de la Garza may ask it, he shall give him entry and put him in possession of the said lands on the citation of the adjacent proprietors, notwithstanding any opposition, and without allowing any diminution of his rights (in causar despojo alguno), and that the said Justice shall not consent that he be deprived of the possession given him without being first heard according to custom and law, delivering to him, when this is done (rencido), the proceedings which may be had in continuation of this title, as a protection of his right.

Mexico, the twenty-sixth of September, one thousand seven

hundred and eighty-one—interlined fifty-one—incorrect—crossed out: exhibition: fifteen: of the Province: thirty and—incorrect.

DON FRANCISCO XAVIER DE GAMBOA.

By order of the Oider and Special Judge.

JOSEPH DE MONTALRAN,
Royal and Provincial Notary.

(Fees, sixty dollars, including paper and writing, and no more, upon my oath, (asi lo juro.)—A rubric.)

Your Honor admits to purchase, adjudicates and grants by way of sale, fifty-nine sitios de Ganado Mayor, and eleven caballerias of land within the limits of the Colony of New Santander, to D. José Salvador de la Garza in consequence of his having paid into the Royal Chest of this Court, the amount of their prices, the favor of the confirmation and the media annata charged to him, etc.

Mexico, September twenty-eighth, one thousand seven hundred and eighty-one.

Title of purchase, adjudication and grant of fifty-nine sitios de Ganado Mayor, and eleven caballerias of land besides, made by the Special Judge of this Kingdom and confirmed by the Royal audience, in favor of Don José Salvador de la Garza, a citizen of the Town of Camargo, within the limits of the Colony of New Santander, etc.

Mexico, September 26, 1781.

Titles of lands in the Potrero named that of the Espiritu Santo margins (magines) of the Lagunes of the sea of the Gulf of Mexico, acquired (conquis tados) by D. José Salvador de la Garza resident citizen of the town of Camargo, in the year 1781.

(A Rubric.)

To His Excellency, the Governor:—I, the citizen, Juan José Tijerina, a resident of Matamoras, appear with due respect before your Excellency, and say, that the citizen, the first Alcalde of my residence, exhibiting a decree issued by the Supreme Government, on the twenty-ninth of July, one thousand eight hundred and thirty-one, in relation to the proprietors of lands for ejidos (los terrenos para ejidos) appearing at this Capitol with the documents of their property, for the making of the Idemnification, informed me that within the period of three months, I ought to present myself to your Excellency with my title, for what respects the part, which belongs, on the other side of the Rio Grande, to my wife, Doña Feliciana Goseascochea whom I represent, in order that your Excellency having recognized and admitted it as sufficient, might proceed as speedily as possible to the aforesaid in-

demnification. In pursuance whereof, I present the title of the lands, in which is comprised the part of my wife, and of her fellow owners, praying your Excellency to condescend to return it to me, after its examination, and the recognition and acknowledgment (calificacion) which it deserves. It is justice which I ask. City of Victoria, June fourth, one thousand eight hundred and thirty-four.

JUAN JOSE TIJERINA.

City of Victoria, June twentieth, one thousand eight hundred and thirty-four. The title of acquisition which the citizen Juan José Tijerina has presented of the lands, known by the name of the Potrero del Espiritu Santo, having been recognized and admitted as sufficient. Let this written order (escrito) pass to the citizen Alcalde of the town of Matamoras, in order that, after causing a calculation to be made at the foot (cald) of this decree, of the quantity of land that has been taken from the said Tijerina, out of what is comprised in the said title, for the ejians of the Town, and its worth which experienced appointed by the interested party and by the Ayuntamiento, with a third upon their disagreement, (discudia) whom the same Alcalde shall select in case of difference of opinion, he may remit what has been done to this government for its final disposition.

FERNANDEZ.

GABRIEL ARCOS, (A Rubric.)
Chief Clerk. (A Rubric.)

This is a copy which I, the citizen Simon de Castro, First Constitutional Alcalde of this Capitol, certify in due form of law to have been taken literally, faithfully and legally from the original, which for this purpose the interested party presented to me, and I have returned to him, on which document is printed (estampado) the corresponding decree, signed with the handwriting and rubric of his Excellency, the Governor of this State, and the Secretary; whose signatures I certify I know, and they are the same which they are accustomed to use, all of which I set down for its proper proof, and at the request of the interested party I give the present certificate, which I sign with my assisting witnesses with whom I act, conformably to the law, in the city of Victoria, on the twenty-first of June, one thousand eight hundred and thirty-four, the eleventh, etc. I certify.

SIMON DE CASTRO.

Assisting witness. Assisting witness.
Hilario Sosa. Francisco Garcia.

This corresponds (es conforma) with the original documents which are in the custody of D. Juan Tijerina, and which he has presented to me, to take in duplicate the present copy; which documents, rubricated by me, have been returned to the party,

as he has requested, and from which this is faithfully and legally taken, corrected and amended, and this is composed of thirty legal leaves, the first and last being of the first seal, and the intermediate ones of the fourth, the citizens, J. Janrequé, Anadio Salinas, and José Antonio Zabala, here present and resident, being instrumental witnesses at seeing it copied and compared: It has been copied on this the twentieth of June, one thousand eight hundred and thirty-seven, before me the citizen, Juan Nepomuceno Molano, First Constitutional Alcalde of this City and Port of Matamoras, acting as an examining Tribunal, (per receptoria) with assisting witnesses I certify. Corrections, leaf 9—it is seen—in. Leaf 26—reverse—I command—interlined. On leaves 10, 11, 12, 19 and 25—named—he say—in which place—in—I remit —all correct. Struck out upon leaves 10, 11, 18 and 25—named —since—he I state—not correct. All of which I certify. Crossed out—second—incorrect interlined—first—correct.

JUAN NEPOMUCENO MOLANO.

(Fees without the paper seven dollars,
four reals, and no more.)
MOLANO.

Ass. wit.
Francisco Mayerga.

Ass. wit.
Marcus Galindo.

The foregoing is a correct translation of the orignal on file in this cause, and of the Testimonio of Title therein copied, and is made in accordance with the order of the Court.

WILLIAM G. HALE.

Bill of Exceptions—continued.

Be it further remembered that the plaintiffs called R. H. Hord, Esq., as a witness, whereupon the said Hord was examined by the defendant and asked whether he had an interest in this suit such as would disqualify him as a witness, to which witness answered that he was interested in the original grant and held under it, but was not interested in the land in controversy in this suit. And the defendant objected to said witness testifying on the ground of interest in sustaining the original grant, but the Court overruled the objection to which ruling of the Court the defendant excepted, and the said witness Robert H. Hord, was sworn and testified.

That he had been employed as general attorney for some of the owners of a tract of land lying on the Rio Grande, immediately above the Espiritu Santo and called Conception de Carrisitos, that he had in his possession the original testimonio of title of the grant to said tract. This title was delivered to him by his clients, owners of said lands. It was always recognized as authentic and genuine. Never heard any doubt expressed as to its genuineness. The land had always been held under it. This

title was delivered by Mr. Basse the partner of witness to Dr. J. Billider, one of the commissioners appointed to investigate the titles to land west of the Neuces River, and was, as witness believes, lost on the wreck of the steamer Anson. (The document purporting to be the original testimonio of title or grant to José Salvador de la Garza of the Agostadero del Espiritu Santo was exhibited to witness and he stated:) I have seen this document before, and have compared the signature of Gamboa and Montabran at the end of it, with the signatures of the same persons affixed to the title to the tract called Conception de Carrisitos before referred to. They closely resemble those on the other title. And I should say they were written by the same persons. I am acquainted with the country opposite Matamoras and about Brownsville. From the Rio Grande to the Arroyo Colorado is about ten or eleven leagues, from Brownville opposite to Matamoras to Point Isabel in a straight line is about twenty-two miles, to Santa Rita about seven miles, to the house of Sabas Cavazos about twelve miles, to Rancho Niejo about eight miles, to Las Pruetas about two miles to Santa Rosalia about three miles.

All of which testimony was objected to on the ground that it was incompetent and irrelevant, but the objection was overruled by the Court, to which ruling of the Court the defendant excepted.

Bill of Exceptions continued.

The plaintiffs then offered in evidence the deposition de bene esse of John Treanor.

Deposition of John Treanor.

UNITED STATES OF AMERICA, *District of Texas.*
COUNTY OF CAMERON, *State of Texas.* } *ss.*

Be it remembered, that on this, the twenty-seventh day of April, in the year of our Lord one thousand eight hundred and fifty, I, Augustus C. Allen, a Commissioner, duly appointed by the District Court of the United States for the District of Texas, under and by virtue of the Act of Congress, entitled, "An Act for the convenient taking of affidavits and bail in civil causes depending in the Courts of the United States," passed February 25th, 1812, and the Act of Congress entitled "An Act in addition to an Act entitled, An Act for the more convenient taking of affidavits and bail in civil causes depending in the Courts of the United States," passed March 1st 1817, and the Act of Congress entitled "An Act to establish the Judicial Courts of the United States," passed September 4th, 1789, did call and cause to be, and personally appear before me in the town Brownsville, in the

said District and State of Texas, to testify and the truth to say on the part of the plaintiffs in a certain suit now depending and undetermined in the District Court of the United States for the District of Texas at Galveston in the said District, wherein Rafael Garcia Cavazos, Doña Maria Josefa Cavazos his wife, and Doña Estefana Goseascochea de Cortina are plaintiffs, and Simon Mussina, defendant—John Treanor, and the said Treanor being of sound mind and lawful age, and having been by me first duly cautioned and sworn, to testify the truth, the whole truth and nothing but the truth in the suit aforesaid, was carefully examined by me, and he did thereupon depose, testify and say as follows:

I know all the parties in said suit. I received the original testimonio of title Don José Salvador de la Garza to the Agostadero del Espiritu Santo from Rafael Garcia Cavazos, Doña Maria Josefa Cavazos his wife, Doña Estefana Goseascochea de Cortinas, Don Manual Prieto and Feliciana Goseascochea de Tijerina, and delivered it to Messrs. Allen and Hale, Attorneys at Law, residing in Galveston, Texas, for the purpose of instituting this suit, and another against Charles Stillman and others, and also for the purpose of having it registered in the General Land Office. I do know other things which would be of benefit to the plaintiffs in this cause, but as I am not asked especially, I do not think it proper to state them, and I know nothing which would be of benefit to the defendant nor material to the subject of this examination.

JUAN TREANOR.

And I, A. C. Allen, the Commissioner aforesaid, do hereby certify that the reason for taking the foregoing deposition is, and the fact is, that the testimony of the witness is material and necessary in the civil suit in the caption of the said deposition named, and that he lives in Matamoras more than one hundred miles from the place where the trial of the said suit is to be had, to wit: the City of Galveston in the District aforesaid. I further certify, that no notification of the time and place of taking the said depositions was given to either the defendant or his attorneys, none of them being within one hundred miles of the place of taking the same. And I further certify that on the same day I was attended by the said witness and William G. Hale, attorney for said plaintiffs, and thereupon, the above deposition was taken and reduced to writing by me, in the presence of the said witness, and from his statement, and after carefully reading the same to the witness he subscribed the same in my presence. I have retained the said deposition in my possession for the purpose of sealing up and directing the same, and after sealing and directing, to hand the same to William G. Hale, to be delivered by his own hand to the Clerk of the Court, for which the same was taken. And I further certify that

I am not of counsel or attorney for either of the parties in the said deposition named, or in any way interested in the event of the said cause. Witness my hand and private seal, at Brownsville, the day and year first above written.

A. C. ALLEN,
Commissioner, U. S. D. C.

Bill of Exceptions continued.

Jame Love, called and sworn as a witness, stated: That he recognised the document exhibited to him purporting to be the testimonio or title of the grant, made to José Salvador de la Garza before stated. It was filed and read in evidence in this Court in a suit in Chancery, No. 41, between Rafael Garcia Cavazos, et als., and Charles Stillman, et als., and had since remained on file; that on the hearing in the Chancery cause, it was produced for the first time that he saw it, by William G. Hale as the Solicitor and Counsel for the complaints in that suit, and was in his possession until it was filed. The plaintiffs then offered and read in evidence the original testimonio of title.

DOCUMENT MARKED H.

Being the title of José Salvador de la Garza to lands in the Potrero del Espiritu Santo. Dated 1771. *Copy. Original withdrawn by leave of Court.*

Mexico p Sepre 26 de 1781.

Titulos de tierras que se hallan en el Potrero nombrado del Espiritu Santo, Marjenes de los Lagunas de la Mar del, Seno Mexicano conquistodas por Don José Salvadór de la Garza, vecino de la villa de Camargo en el año de 1771. Mexico y Setiembre veinte y seis de 1781. Titulo de composicion, adjudicacino y merced, dec inquenta y nuevo sitios de Ganado Mayor, y onze caballerias de tierra hecha por el Sór Juez Privativo de tierras de este Reyno, y confirmada por la Real Andiencia a favor de Don José Salvador de la Garza, vecino de la Villa de Camargo en terminos de la colonia de Santander.

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Don Francisco Xabier de Gamboa de Consejo de su majestad y oidor en la real Audiencia de esta Nuevo España, y Juez Privativo de ventas y composiciones de Tierras y Aguas en el distrito de dicha Real Audiencia, &c. Por cuanto ante mi y en este mi Jusgado Privativo se han seguido autos á pedimento de Dn. José Narciso Cavazos, vecino y poblador de Nuestra Señora de Guadaloupe de Reinosa en el seno Mexicano pido se admitizo

a composicion por un Potrero nombrado Santa Rita y habiendose librado el acordado para que se practicasen las diligencias que en el se prenocien a fin de su pretencion su curso aste contradijo á ella Don José Salvador de la Garza, espresando que dichas tierras se contienen dentro del Potrero que nombran del Espiritu Santo el que tenia denunciado desde el año de setenta y dos ante el Teniente Geal., de de aquella colonia quien le mando concurreise á este Jusgado y habiendolo ejecutado por poderes que dió, y efectos para el asunto no lo pudo conseguir por omicion de los Apoderados. En cuiá vista de las diligencias practicados a pedimento de Cavazos y lo alegado por una y otra parte. Por auto y de veinte y seis de Noviembro del del año pasado de setecientos setenta y siete, declaro no haber lugar la composicion del parage de Santa Rita, pretendida por Cavazos y mandé que a Don José Salvador de la Garza en conformidad de la denuncia que tenia hecha anticipadam^{te}. ante el Teniente General de la Colenia y que habia reiterado en este jusgado se le librase dispacho para que el Teniente mas cercano practicara los diligencias de Acordado.

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En cuio obedicimiento El Teniente de la Villa de Camargo procedio a recibio la informacion que sigue.

Informacion 1° testigo.—En la Villa de Santa Ana de Camargo en el citado dia quinze del mas de Junio, de mil setecientos, setenta y nueve años. Ante mi Don Juan Antonio de Echave, Teniente de Justicia Mayor de dicha villa. J. Juez Comisario en estas diligencias y de los testigos de asistencia Don José Salvador de la Garza, presente por primero testigo, á Don Salvador Vela, vezino de dicha Villa y en su persona que doy fé, conocio le recibi juramento que hiso en toda firma por Dios nuestro Sór. y la señal de la Santa Cruz, bajo del cual prometio decir verdad en lo que supiero, y fuera preguntado y siendolo como tengo mandado, dijo que el Potrero que conoce por del Espiritu Santo tieno por terminos y linderos el Arroyo Colorado las Lagunas de la mar el Rio Grande; y por la parte de la entrada un monte espeso, que sabe que el primero que pablo dicho potrero, fué Dn. José Salvador de la Garza, quien lo ha poseido, y posecion con otras varios que mucho despues los puso a en arrimo haviendo como de ocho años a este parte poco mas á menos que lo pobló que sabe que sin validios, y Realengas por no haber los conocido dueño que esta se la verdad v ó cargo del juramento que tiene fecho en el que se afirmó y ratificó dijo ser de edad de setenta y cinco años, y que no le tocan los generales y por—

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no saber firmar hici lo yo el espresado Juez por ante mi sin y testigos de asistencia con quienes actuo como Juez receptor de todo doy feé.

JUAN ANTONIO DE ECHAVE.

De asistencia,
Tomas Flores.

2° Testigo.—Incontrivente en el referido dia mes y año a ante mi el supra dicho Juez, y testigos de asistencia, para la presente informacion dió por segundo testigo Don José Salvador de la Garza, a Juan Damacio Percy Español y vecino de dicha villa, y en su persona que doy fé, conoceo le resivi juramento que hizo por Dios Nuestro Sór y la señal de la cruz, bajo cuya religion ofrecio decir verdad en lo que supiera y fuera preguntado, y siendolo como esta prevenido dijo: estando presente la parte a vez lo jurar como en la primera espiricion que por un lado tiene y forma el Potrero que llaman del Espiritu Santo el Rio Grande, Lagunas de la Mar Arroyo Colorado y un leñal espeso del lado de la entrada de el dicho Potrero en cuio sentro tiene algunos charcos quando llueve que á poco se secan; que el primero que entro en el rompimiento del monte fué Don José Salvador de la Garza quien lo ha posiado y posee, con otro que a un arrimo, metio mucho despues, que habia como ocho a nueve años que dicho Don José Salvador lo tiene poblado, qne conoce dichas tierras—

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por ensacas valdias, y realongas y que no ha conocido anteriormente otro ninguno ni lo ha oydo decir el que haya poblado dichas tierras que esta es la verdad a cargo del juramento que tiene fecho, en el que afirmando se y ratificandosó dijo ser de edad de cincuenta años, y que no le tocan las Generales como trmbien no save firmar firmelo yo dicho, Juez ante mi y testigos de asistencia actuando por receptoria, como espresando es de que, doy feé.

JUAN ANTONIO DE ECHAVE.

De asistencia,
José Lorenzo Treviño.

De asistencia,
Tomas Flores.

En la Villa de Señora Santa Ana de Camargo, en dies, y seis dias de dicho dia mes y año ante mi el susodicho Juez, y de testigos de asistencia Don José Salvador de la Garza presento per tercer testigo a Don Juan Baptista Garcia vecino de dicha Villa y en persona que doy fé conose estadando presente la parte, la tome juramento el que hizo conforme a derecho por Dios Morestro Señor y la señal de la Santa Cruz bajo del cual prometio decir verdad en lo que supiera, y fuera preguntado, y siendolo como se

requiera dijo: que asi cerca de veinte, y años que conoce al Potrero que ahora llaman del Espiritu Santo en embasiones ofrecida cuatro los Indios Barbaros como uno de los primeros pobladores de esta Villa y que siempre lo ha conocido en asi, Valdio y Realengo, y que dicha Potrero lo forman por un lado el Arroyo conocido por Colorado por otro las Lagunas immediates de la Mar, y por tercero el lado del sur el Rio Grande, viniendo á cerrar por el Poniente con una espresura de monte que save ser publico, y notorio la habrió, y rompio asiendole entrada Don José Salvador de la Garza cuando lo poblo que habra de ocho á nueve años, sin que antes otro ningunos lo hubiera echo, y que á su arrimo save y le consta á manteindo á otros sugetos que metio despues que el entró y poblò dicha tierra en la que ha visto unas cercas, y trancas que sirven para serrar la puerta todo hecho per dicho Don

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Salvador de la Garza, el que ha gosado, y mantenido en el sus bienes esta la presente, y que en dicho Potrero cuyo Agrajes permanentes mas que el del Rio Grande, que esta es la verdad su cargo del Juramento que tiene fecho en el que afirmo, y ratifico dijo ser de edad de setenta años, y que no le tocan las Generales, y que no save firmar, hieclo lo yo per ante mi, y testigos de asistencia con quienes actuo como dicho es de que, doy fé.

JUAN ANTONIO DE ECHAVE.

De asistencia. De asistencia.
José Lorenzo Treviño. Tomas Flores.

4°. Testigo.—En la mencionada Villa, dia mes y ano, ante mi y en este Jusgado, y de testigos de asistencia, presentó la parte por cuarto testigo para la presente informacion á Don Lorenzo Sema vicino de esta Villa, y un persona que doy fé conoce le tomo juramento que hizo en toda forma de derecho, por Dios Nuestro Señor, y la sñal de la Cruz bajo del cual prometio decir verdad en lo que supiera, y le fuera preguntado, y despues de retirada la parte que asistio á ser lo jurar dijo, que es uno de los primeros pobladores de esta Villa, y la conoce el tiempo ase de triente años pero con el motivo de haber sido soldado, y por esta razon aberlo destinado varios destacamentos de esta Provincia nunca estuvo en aquelles tiempos con los demas sus compañeros al Potrero que hoy se nombra del Espiritu Santo pero que si andicto varias veces,

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y reconocido por haber lo andado por la parte de afuera en el que habitazen solamente Indios Gentiles; hasta que Don José Salva-

dor de la Garza el año de setenta y uno, lo combido para que fueran juntos á reconocer dicho Potrero para ver si ofrecia alguna comodidad para el reparo de los bienes de dicho Don Salvador con qnien habiendose acompañado con el, fueron juntos á su reconoscimiento, y llegando una Espesura de un Monte que fué por donde les parecio que solamente pudiera facilitar la entrada, la hicieron a fuerza de achas, y enclyas sin embargo del miedo que amenasaba de los Indios, y que entrando dentro vieron como estos se retiraron con cuyo accion se determinaron á andar por todo el Potrero en lo que gastaron seis dias que despues seguidamente dicho Don José Salvador metió en el sus bienes de campo poblando le con jacales, que hizo corrales, y cercas que formasen, y se reconociere la entrada con trancas en ella por lo que consta de vista no haber sido Poblado anteriormente dicho Potrero por otro alguno en que lo forman dicha Espesura Arroyo Colorado, Lagunas de Mar, y Rio Grande, que es una tierra criasa llena por todas partes de arroyuelos, y charcos que han hecho las crecidas cresientes del Rio Grande, Arroyo Colorado y Lagunas de la Mar, las que inundan dicho Potrero, guaresiendose la gente, y animales

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en algunos altos que tiene, todo lo tiene visto por hacerbo transitado despues repetidas occasiones en las que le consta haver amigado, y cenquistado las voluntades de aquellos Indios dicho Don José Salvador de la Garza dando les reses para que conmiesen, y ropa para que viestran manteniendose con ellos asta la presente en esta uerbanidad de tal forma que algunos de ellos, y mugeres, á en solicitud las ha metido al gremio de Nuestro Santa Fé, y casados por nuestra Santa Madre Iglesia como se acredita de mantener las adentro de su propria casa como tambien sabe que à los cuatro años de haber poblado dho Potrero metio en el á su arrimo algunas agregados vecinas asido esta Villa como de la de Reynosa, y por la parte de afuera, á otros varias, que sivere en sus cercanas: por lo que save, y es verdad que el citado Potrero, y sus tierras son baldias, y realengas: todo lo cual declara por las preguntas que se lo hizieron, y por ser verdad en ello se afirmo, y ratifico socargo del Juramento que fecho tiene dijo ser de edad de sesenta años, poco mas ó menos, y por no saver firmaron no toca le las generales firme lo yo el espresado Teniente, y Juez Comisiando per ante mi, y testigos de asistencia con quien actuo como es dicho de tras, doy fe.

JUAN ANTONIO DE ECHAVE.

De Asistencia. Jose Antonio Treviño.

De Asistencia. Tomas Flores.

En dicha villa dia mes y año ante mi el referido Juez Comi-

cionado en estos autos y de los testigos de mi asistencia Don

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José Salvador de la Garza, presentó en este Jusgado por quinto y ultimo testigo de esta informacion, á Don José Xanio Salinas vecino de esta villa y en su persona que doy feé, conocio estando presente la parte le recivo juramento que hiso con arreglo á derecho por Dios Nuestro Señor y la señal de la Santa Cruz, bajo del cual prometio decir verdad en todo lo que supire, y fuere preguntado, y siendolo como esta provenido dijo; que es uno de los primeros que poblaron y formaron esta villa por que transcita muchas ocasiones en aquel entonses por la parte de afucra el Potrero que hoy se nombra del Espiritu Santo, y que anuque fué

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algunos de ellas, acompañado nunca se determino por el riesgo de los indios a entrar, y reconocer, dicha tierra, pero que si conocio que dicho Potrero, lo hacian y formaban, un Arroyo, conocido por el Colorado Lagunas, contra el Mar Rio Grande, y una Espesura de Monte en lo que solamente havitaban Indios Gentiles, y se mantubo sin ser poblado de otra alguna persona hasta que el año de setenta y uno entro poblando Don José Salvador de la Garza, con sus bienes bibiendas corrales, y cercas que hizo en el que se ha mantenido sin haberlo nunca desamperado, y mantiene asta la presente, que save que despues como a los cuatro años agrego asi, en dicho Potrero, como en inmdiaciones algunos otros vecinos de las villas de Rinosa y Camargo, que es una tierra que lo mas ó todo del Potrero es Publico se llena de agua de las cresientes que suele haber en dichos Rio Grande Arroyo Colorado, y Lagunas como se acredita por haber sido notorio haberse visto dicha Don José Salvador de la Garza Tocado sin poder salir de el algunos dias, sin riesgo de inundarse lo amenaza en dichas crescientes, y tambien el perder sus bienes que siempre ha conocido y tiene por valdio y Realengo dicho Potrero que esta es la verdad socargo del juramento que fecho tiene en el que se afirmo y ratifico dijo ser de edad de sesenta, y quatro años y que no lo tocan las generales lo que firmo por ante mi y testigos de asistencia actuando por receptoria

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como suzodicho es de todo, doy fé.

JUAN ANTONIO DE ECHAVE.

FRANCISCO XAVIER SALINAS,
De Asistencia,
José Antonio Treviño.

De Asistencia,
Tomas Flore

I dada aquel informacion que se recibio de oficio se procedio a la vista de ojos en la forma que signe.

Vista de ojos.—En dicha Estancia del Espiritu Santo hoy dia veinte y seis de dicho mez, y año: Yo el citado Juez acompañado de testigos, y de todos los nominados arriba que comparecieron por la citasion que para ello se les hizo llevando por guia á Don Lorenzo Serda por el pleno como conocimiento que tiene, y le asiste de dicho Petrero en las nisenadas Bolsas y Recodos que segun noticia forman el Rio Grande del Norte, Lagunas del Mar, y Arroyo Colorado que lo forman yando tambien el perito medidor salial campo á comensar como comense la vista de ojos de la mencionado tierra y parajes que la circumbalan aguajes y terreno y para en constancia lo puse por diligencia lo que firmo por ante mi y testigos de asistencia con quienes actuo como Juez Receptor de todos doy feé.

JUAN ANTONIO ECHAVE.

De Asistencia, José Rafael Lopez.

De Asistencia, José Benito Lopez.

Signe.—En la nominada Estancia dia treinta de dicho mes y año; Yo el citado Juez habiendo finalisado la vista de ojos de estas tierras de Espiritu Santo que en conserio del Medidor nom-

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brado Don Manuel de Sierralta y demas sujetos, ya citados se ejcento y Reconocio los rumbos de sus lineas centro y terreno, el que es oriaso por las muchas quiebras y derrameso que contiéne asi por varios Esteros, dilatados, y grandes que encierran y manifiestan que por ellos inundalo mos, á todo el Potrero en las cresientes, especialmente de dicho Rio Grande y arroyo Colorado como que de estos dimenan dichos esteros, y Lagunas formentadas estas igualmente de los cresientes del mar que irniendo juntas esta visto el peligro dicho de anegarse sin otro refugio que de algunos limitados altos que tiene dicho Potrero ó salir la gente por canoas a tierra firmo en larga distancia por estenderce el agua, en estos cuentos, tanto de una parte como de otro del Rio y el Arrayo per lo que lo mas de dicho terro no de este Potrero solo se be de un Zacalte llamado sacaguistenada comible de animal ninguno como se tiene por esperiencia yerba que Regulamente sedá en tierras salitrosas en costas sin que contenga el dicho Potrero haguaje perpetuamente mas que el Rio Grande, y quando llueve algunos charcos que a poco tiempe se secan susediendo esto tambien en los dichos Esteros pués las Aguas del Arroyo Colorado por lo salitrosa y hamarga es semejante a la de la mar por

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lo que solo es util para Cavallada y todo ganado por el seguro y resguardo de no tener el suyo dicho Potrero mas de una entrada y salida por la montaña que como de atravesia desde el Arroyo Colorado al Rio Grande to dole que pengo por diligencia firmando la por auto mi y demas que supieron de los citados concurrentos, y Agrimensor Actuando por Receptoria con testigos de asistencia como dicho es de todo, doy feé.

JUAN ANTONIO ECHAVE.

MANUEL SIERRALTA,
JUAN JOSE DE LA GARZA FALCON,
BARTOLOME TREVINO,
PEDRO VILLAREAL,
JOSE ANTONIO DE LA GARZA FALCON,
JOSE SALVADOR DE LA GARZA.

De Asistencia,
José Benito Lopez.

De Asistencia,
José Rafael Lopez.

Signo.—En dicha Estancia nombrada del Espiritu Santo. dia primero, del mes de Julio, del espresada año, Yo, el citado Juez en vista de estar incluida la vista de ojas del Referido Potrero y por ello no haberse objetado uso en contrario que impida, ó embarasso la medida, y Reconocimiento de sus tierras como se me previn en fuersa de lo cual devia de mandar, y mando sepase á su execusion la que dere comensarse desde un abrevadero que se haya en el Rio Grande en dende forma esquina con la cerca que enre asta este paraje de norte á sur que es la linia de la montana qui sale del Arroyo Colorado por dicho rumbo, y para su efecto lo pongo por diligencia por ante mi, y testigos con quienes actuo por Receptoria, como dicho es de que, doy fé.

JUAN ANTONIO DE ECHAVE.

De Assistencia.
José Rafael Lopez.

De Assistencia.
José Benito Lopez.

Medida.—En el otra abre badero citado arriba del Rio Grande del Norte, estando en el en dos dias de dicho mes y año. Yo el Refiredo Juez acompañado de testigos de assistencia, colindantes y circumbecinos, asi dentro como fuera de dicho Potrero que con los mismos por no haber otros que los ya nominados para la vista de ojos mande a Don Manuel de Cierralta como agrimensor nombrado y Juramentados en forma para esto medida comensase á ejercer su ministerió quien ante mi testigos y demas concurrentes dichos, tomo una hasta de largor regular y atando en ella

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uno de las estremos del cordel preporado para este fin medio desde dicha asta, y le dio cincuenta varas con vara de medio

paños de Castilla; higual en esta Provincia del Nuevo Santander; y medidas que fueron dichas cincuenta varas en donde se completaron átó el citado cordel á otra hasta de igual parte de cueoto que entro una y otra solo mediaran los espresadas cincuenta varas y poniendo un abujon tiro esta primera linia desde el nominado abrebadero rumbo a el cuinto yondo recta por las margenes bajo del nominado Rio Grande llegando con quinientas y ochenta y cuatro cordelados al citado rio ha un deramadin de el por el que en sus crecientes habastea de agua un tanque que quedó por la parte de arriba á distancia, de seis cordeles cuyo derrame quedo por lindero endondo la mando penor a mas señal fixo el denunciante Don José Salvador de la Garza, de mojonera quedando en esta linea por la parte del sin algunas bolsas y recodos que forman las vueltas del susodicho rio Grande que dijo el Agrimensor reconosiera depues de finaisadas las demas lineas para incluio en el entero de los sitios que pudiera hacer en dichas parajes, y conclusa esta linia aste dicho paraje del derrame la puso por diligencia que firmaron por ante mi y de testigos de asistencia asi dicho Agrimensor é interesado. y demas que supiesen de los colindantes y

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circumbesinos, octuando por Receptoria como dicho es de todo, doy fé.

JUAN ANTONIO DE ECHAVE.

MANUEL DE SIERRALTA,
JUAN JOSE DE LA GARZA FALCON,
JOSE SALVADOR DE LA GARZA,
PEDRO VILLAREAL,
JOSE ANTONIO DE LA GARZA FALCON,
BARTOLOME TREVINO.

De Asistencia.
José Benito Lopez.

De Asistencia.
José Rafael Lopez.

Sigue.—En dicho parage del derrame del Rio en donde privaliso la primera linea dia tres de dicho mes y ano ante mi testigos y de mas sugetos, dicho Agrimensor midio al Coral dandole como le dio cincuenta varas con la nominado de medio paño de Castilla segun y como el dia anterior, y poniendo el abujon tirò esta segunda linea recto al norte, y ha las dos cientas sus indeledas llegaron á la cabesera de una laguna de las de la Mar, sin otras que se vieron cerca rumbo al Oriente, y habiendo dos cabesado esta primera y varias que se le siguen por estar pendientes, mas y otras siguiendo siempre el Norte entro el Cordel, por una bolsa potrorillo que hacen dichas Lagunas quedando estas por el Poniente y Oriente asta llegar a las Lagunas Madres que de formacen del Arroyo Colerado, y en las que embierte, y derrama sus aguas

quedando mui adentro de esta linea como mas de una legua, un parage poblado con jacales y corales nombrado San Juan de Retiro en al que ha

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bitan algunos Baqueros servientes del predicho Don José Salvador de la Garza; y no haviendo mas tierra por haver llegado á dichas Lagunas Madres y no hafer para adelanto mas que agua alcanso esta sugunda linia ha novasientos noventa, y tres Cordeles todo ella haeienedo en su transcito remedidas el cordel repetidas ocasionas como asi tambien se ejecuto en la primera todo loqual pongo por diligencia que firmaron, Agrimensor é interesado y demas acompañados que supieron por ante mi y testigos con quienes actuo como referido es de todo doy fé.

JUAN ANTONIO ECHAVES.

MANUEL DE SIERRALTA,
JUAN JOSE DE LA GARZA FALCON,
JOSE SALVADOR DE LA GARZA,
PEDRO VILLARAEL,
JOSE ANTONIO DE LA GARZA FALCON,
BARTOLOME TREVINO.

De asistencia. Benito Lopez.

De asistencia. José Rafael Lopez.

Sigue.—En el paraje á las orillas del Arroyo Colorado en donde comiensa, y habre sus Lagunas Madres, al que llegamas rodeando, y aun *pisando* el agua de las que traiamos al Poniente, en la segunda linea quando entramas por ella en la Bolso, ó Potrerillo Citado que asi quedó por lindero con señal que se le puso y al mismo tiempo en dicho paraje se puso otra donde comenzo esta tercera linea por medido de una á otra internado á Potrero del Espiritu Santo parte de ellas

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lo qual mobió â que asi se eguntase por el ningun paso que afresian; en cuio sitio ante mi testigos de denunciante y demas ya Referidos el citado agrimensor midio nuevamente su cordel al que le dio cincuenta varas de hasta á hasta con la misma á dicha y poniendo el abujon, comenzo esta tercera linea por las margenes de dicho arroyo arriba rumbo á el Poniente, y a las tresientas nueve cordeles Reconocio dicho Agrimensor se le mitió el citado arroyo rumbo al Sur como otravesando el Potrero del Espiritu Santo por lo que siguiendo

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dicho rumbo del Sur como permite dicho Arroyo siempre á sus marjenes distancia de cien cordeles ya no se pudo seguir linea alguna asi por estar inundado de una laguna grande y harroyue los resacas del Colorado, en el que desaguaban como tambien por un espeso monte intransitable que esta unido con dicho Arroyo Colorado y laguna que totalmente embaraso el Xico de esta linea pero por los Peritos é inteligentes en el conocimento de de las rueltas que hace dicho Arroyo declaran que mas adelante de donde ya no pudimas seguir se abre el citado Arroyo otra vez para el Poniente a cuya linea se combino el agrimensor con dichos Peritos en la parte interesada, en que debia tener, y tenia las mismos de largo que la linea frontera del Rio Grande que con quinientas ochenta y cuatro Cordeles respecto de Caminar la segunda linea de las lagunas del Sur á Norte á Sur como lo manifiesta la una que en ella sabe, y por dicho tanto de la mando a la parte interesada primera señal que serviera de mojonea cuia diligencia firmaron todos los correspondientes y que supieron por ante mi y testigos con quienes actuo por Receptoria como es dicho de todo, doy fé

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JUAN JOSE DE ECHAVE.

MANUEL SIERRALTA.
JOSE SALVADOR DE LA GARZA.
JUAN JOSE DE LA GARZA FALCON.
PEDRO VILLAREAL.
JOSE ANTONIO DE LA GARZA FALCON.
BARTOLOME DE TREVINO.

De asistencia.
José Rafael Lopez.

De asistencia.
José Benito Lopez.

Sigue.—En el citado parage del monte, y Lagunas que impedieron la tercera linea anterior como esta dicho que se concluio en el dia siete de dicho mes, y año; siguese la quarta linea que se ejecuto en el dia ocho subsecuente del presente dicho mes cuia ultima linea asi mismo fué imposible seguirla con el cual por lo impenetrable del Monte Lagunas y Resacas que ebtretejidas con dicho espesura le embarasaron por ir dando vuelta á lo mas de dicha ultima linia pero por los peritos é inteligentes que acompañaban vinieron contestes que ocuparia dicha imposibilidad correspondiento á la referida linea la distancia de cinco leguas, en que se umbius la parte hasta salio como salimos á la cerca que por esta frente en lo razo tiene fabricada en cuio sitio rindio el cordel el espresado agrimensor, dando le las cincuenta varas Castellanas, puso, puso el Abujon y Reconosio que dicha cerca corria de Norte á Sur, y siguiendo á este rumbo se llegó con dos cientos

veinte y cinco cordeles al Abubadero por donde comenso esta Medida del Rio Grande del

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Norte, con lo quedo unado que juntos dichos doscientos veinte y cinco cordeles con las cinco leguas de Monte, y hagua componen la cantidad de setecientos veinte y cinco Cordeles; y haciendo ya para esta ocho registro dicho Agrimensor de las vueltas y recodos queforma al referido Rio Grande pertenesientes a la primera linea declaro que en estos, y bajo de las cuatro dichas lineas se contienen cincuenta y nueve sitios de Ganado Mayor, onze y media cavallerias de tierra á favor de su Majestad segun su inteligencia en este ante un ratificacion del juramento que tiene fecho; todo lo qual pengo por diligencia por ante mi y testigos de asistencia presentes los sugetos, ya mencionados que firmaron por lo que á cada una todo, y por lo que no supieron hizelo yo dicho Teniente Justicia de la Villa de Camargo, y Juez Comisienado en esta causa actuando por Receptoria como d'ho es doy fé.

JUAN ANTONIO DE ECHAVE.

MANUEL DE SIERRALTA.
SALVADOR DE LA GARZA.
JUAN JOSE DE LA GARZA FALCON.
BARTOLOME TREVINO.
JOSE ANTONIO DE LA GARZA FALCON.

De asistencia. José Rafael Lopez.

De asistencia. José Benito Lopez.

Signe.—Y sin Embargo de haver contra dicho dos de los colin-

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dantes respectoá no haver formalisado sus contradiciones sin manifestado sus titulos posedio el Justicio Comisario á dar los pregones preveidos por derecho, y senelado cidia para el remate se celebró este en la forma que sigue.

Remate.—En esta dicha Villa de Santa Anna de Camargo á los veinto y dos dias de este presente mes y año y ultimo pregon para el remate. Yo dicho Juez comisionado mande tocar la caja en el mismo paraje despues de Misa Mayor; y á vos de Pregonero empeso a dar remate hante el Señor Capitan el Reverendo Padre Ministro de esta Villa Varios Vecinos, y Don José Salvador de la Garza; y visto ha llegado la hora en que es, y acido Regular para dicho remate, mande dar por ultimo pregon, y no huvo quien pogara a mas de los veinte pesos que tiene puestos Don Jose Salvador de la Garza; en quien se remato dicho Agostadero condose

pregones que dio repeti en este mismo dia del remate, y asi que briena pro le haza á Don José Salvador de la Garza quien firmo conmigo, y los de mi asistencia con quienes actuo per Receptoria Que doy fé.

JUAN ANTONIO DE ECHAVE.

De Asistencia, José Benito Lopez. De Asistencia, José Rafael Lopez.

Aceptacion.—En la espresada Villa dia dicho mes y año, Ante mi dicho Teniento visto finalisado enteramente los treinta dias a pregono por dia que se me mandado, en este superior Despacho y el que sedale para un Remate quedo conforme dicho Don José Salvador de la Garza por serio haciendo se conformado, y hacetado dicho Potrero, ante el Señor Capitan Don José *José* Antonio de la Garza Falcon.

El R. S. Ministro de esta Villa Fray Francisco Villuendas, el Rejidor de primero voto Don Miguel Chapa, el Procurader Don Augustin de la Garza, y otros vezinos, que el hallavan presentes, y para que en todo tiempo conste pongo esta diligencia, que firmo con migo dicho Don José Salvador de la Garza con los de me asistencia actuando por Receptoria que de todo doy fé.

JUAN ANTONIO ECHAVE.

JOSE SALVADOR DE LA GARZA.

De Asistencia, José Benito Lopez. De Asistencia, José Rafael Lopez.

Remetidas las diligencias predijo el Escrito del tenor siguento.

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Escrito.—Balthazar de Vidaurro por Don José Salvador de la Garza, vezino de la Villa de Camargo en la Colonia del Nuevo Santander en los autos sobre el denuncio de tierras a que puso por nombre del Espiritu Santo, segun el Escrito de fojas sesenta y siete quaderno segundo como mejor proseda por derecho dijo: Que habiendose librado despacho para que se practicasen las diligencias del Acordado para la adjudicacion, y remate de sus tierras se practicasen todas por el Teniente de Justicia de dicho Villa de Camargo segun instruie el quaderno con que dio quenta sin haver havido otra contradicion que la de Don Bartolome Fernandes colindante por la parte de la entrada del Potrero por lo tocante a la quarta, y ultima linea por haver sentado que un ella se le atravesara y crusara una de las de sus tierras, que se internava por acia el oriente de dicho Potrero hasta una novia seca que se le pidieron los titulos no los manifesto, pero se les señalaron tres meses de termino corrieñtes desde primero de Septembre del año proccimon pasado, para que ocurierse á mejorar su contradicion en este Jusgado privativo y no habiendolo fecho le acuso Rebeldia

en forma fojos cincuenta y dos. Por lo tocante al remate utiles de los sitios, y cavallerias, devo poner presente V. Señoria que se

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valuaron a dos pesos, y a real coda cavalleria pero como mi parte ha sufrido tanta contradicion, como combensen los autos y sus contrarios conocieron la necesidad que tenia de las tierras por hallarse asentado en ellas sus Ganados Citados y aquerenciados, por un efecto de maligniad y de hacer le perjouicio, como informa el Teniente le pagaron los sitios hasta veinte pesos. Esto es una desproporcion estraordinaria por que atendiendo el precio del abono, que fueren dos pesos, son nueve partes mas las que le hicieron ofreser del precio justo y en estos terminos no es licéto rendir me en las Almonedas, pues en ellas no se puede pasar el precio supremo y mas quando intevino mala fé y espiritu de haser perjuicio al que compra una necesidad como suscedio en el presente caso. Por este suplico a V. S. que sirviendose a provar las diligencias practicados, y el Remate selebrado en mi parte, se sirva igualmente moderar el precio a lo justo que sea lo que estimase ser prudente arbitrio: y no tener este lugar (lo que no se espera) habra mi parte de Enterar es estrechado de la necesidad a razon de veinte pesos por los sitios, y del Real por las Cavallerias que son onze y media y cincuenta y nueve sitios para que opor-

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tunamente se le libro el recado necesario que le sirva de titulo en cuia virtud se lo pueda entrar en posecion de las tierras si lo pidiera. I en cuios terminos, y dandose vista a el Abogado Fiscal. A. V. S. Suplico sirva prover como refriro juro en forma lo necesario, &ª.

DOCTOR MANUEL GARISNAIN ARANGUTI,
BALTHAZAR DE VIDAURRE.

Auto.—Mexico diez y siete de Julio de mil setecientos ochenta. Al Abogado Fiscal Proviso lo al Señor oydor Juez Privativo y lo rubrico. Señalada con una rubrica. Ante mi José de Montalvan Escribano Real y de Provincia.

Respuesta del Abogado Fiscal.—El Abogado Fiscal en vista de estos autos de denuncia hecha por Don José Salvador de la Garza del Potrero que nombran del Espiritu Santo en la colonia de Nuevo Santander. Dice que en virtud del segundo despacho que se libro para las diligencias del acusado, se resivieron en el quadero quinto las informaciones de parte y de oficio por las que resulto su realenga la tierra, y publicada la denuncia en la

foja treinta y una se procedio á la vista de ojos, y medida, en la que se reconocio comprehender el Potrero cincuenta, y nueve sitios de Ganado Mayor, que se tasaron à dos pesos con mas onze Cavalleria y media apusiodas á real por cuios, precios hizo postura

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el denunciante, y dandose los pregones salio otro tercero que hizo varias pujos, hasta que llegado á veinte pesos por cada sitio se le hizo el Remate al proprio denunciante sin que huviese defecto de consideracion en las dichas diligencias, respecto de que nada importa el haberse publicado la denuncia despues de dadas las informaciones, y aunque á estas no procedió la citacion de los circumvecinos por las distancias de sus habitaciones se los hiso ya que estavan recibodas, para la vista de ojos y medida, a que

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concurieron segun la foja notable es la contradicion que hizo Don Bartholome Fernandez en la foja quarenta diciendo que con la linea que havian hechado de Norte a Sur se le tomada alguna tierra pordever llegar la suia hasta una Koria seca, que se regulo por lindero en las medidas que se havian echo a favor de Don Narciso Cavazos, pero notificandolo a la vuelta que manifestase sus titulos respondió qne se hallavan en este Jusgado, por lo que se asignaron segun la foja cincuenta y dos, tres meses de termino coricentes desde primero de Septiembre del año pasado para ocurrir a este Jusgado a mejorar su contradicion, lo que no ha ejecutado en mas de diez que se cuentan desde entonces.

A eso se añada que las diligencias, y medidas que se hicieron á pedimento de Don Narciso Cavazos con las que dan principio á el quaderno primero de estas autos donde se ve que á la foja trienta curieron esta abajo del Abrevadero de Don Eugenio y Don Bartolome Fernandes, y estas se disapiosaron per V. Señoria en la foja sincuente y una vuelta per haber resultado, que el Potrero lo habia poblado el denunciante Don José Salvador de la Garza desde el año de setecientos setenta y uno, y lo haiva denunciado en el setenta y uno, y le hacia denunciado en el setenta y dos ante

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el Teniente Generál de la Colonia, y que à su arrimo, ó con consentimiento se le havian agregado, *ó habian agregado* metido susganados otros varios entre las cuales uno fué el espresado Cavazos que no obstante eso sino á acnimeria casi todo el Potrero; Dando

le el nombre de Santa Rita, y practicadas las diligencias del Acorado huvo de hacer recurso de denunciante y se calificaron inutiles mandado las hacer nuevamente á faver de Don Josø Salvador de la Garza que havia poblado y denunciado primero de donde resulta que las medias hechas á pedimento de Cabazos, no le aprovecharon á este sino á Fernandez que no ha mostrado otro titulo y mas cuando se infiere que tambien entro al arrimo del denunciante, ó de algunas de aquellos á quienes les consedio el permiso de que introdujeran sus ganados. Asi mismo se deve notar que el abaluo de los sitios fué el de dos pesos per cada uno, y que por las pujas se le remataron al Denunciante á razon de veinte pesos per lo cual pide se mersede el precio á lo que estimace justo el pendente arbitrio de V. Señoria bien que en caso de no tener lugar,

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espresada, que habia de enterar el todo estrechado de la necesidad, y en esta puesto lo que se haya es que en la foja cincuenta, y cinco del quaderno quinto informa el Comisario que los vecinos de la Villa de Reinosa, por aserle mal á el denunciento fueren adelantado el precio asta los veinte pesos.

Tambien se reconoce por el cuaderno primero desde la foja cincuenta y ocho vueta y siguentes que los dichos vezinos moridos desde luego por Don Narciso Cavazos se opusieron en la foja setenta y quatro y que las tierras se adjudicaren a Garza, y colodidos á lo que se deja percibin con el Teniente de la dicha villa lo estuvieron impidiendo la practica de las diligencias del aserdado hasta que se libro segundo despacho conectiedo las a el justicia de Camargo.

Igualmento ocurre que quando se hicieron las primeras diligencias a pedimento de Cavazos, se aprecio cada sitio de Ganado mayor a doce reales en la foja treinta y cuatro vuelta quaderno primero a que debe añadir el Abogado Fiscal usando de la buena fé que es propria de su oficio que en las diligencias que se hacen en las primeras intimas y parajes remotos communmente vienen abaluados los sitios de Ganado mayor á estos precios de doce reales y dos pesos, ó de tres a cuatro pesos y en algunas ocasiones a peso, y que enditos que estan en su poder de Agostadero de Carrisitos en la propria jurisdicion se tasaren a dos pesos, y en

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otros que esta despachando de las tierras que median entre las villas de Reinosa y San Fernandez denunciadas por Don Antonio de Mizan se hiso el abaluo á cuatro pesos: por lo cual el Abogado Fiscal no se opone á que teniendo lo V. Señoria por correspon-

diente se modere el precio a la cantidad que advitrasse justa. En atencion a todo se ha de servir V. Señora de aprovar las diligencias practicadas, adjudicandolo, ó hasiendolo merced por via de venta al Denunciante Don José Salvador de la Garza, de los cincuenta, y nueve sitios de Ganado mayor, y onze Cavalleria y media del Potrero del Espiritu Santo bajo los poderos que espresan las medidas, y mandando enterada la cantidad que importa el remate ó aquella a que su justificacion la moderase, y pagada la media anata se de cuenta a la Real Audiencia en los autos para la confirmacion si fuere de su superior agrado, y que debueltos que sean se despache el Titulo correspondiente.

Mexico, y Julio veinto y dos, de setecientos ochenta.

Licenciado MARTIN DE ARAMBURU.

Auto.—Mexico, viento y nueve de Julio, de mil setecientos ochenta, autos y vistos con lo pedido por el abogado fiscal, apruebo las diligencias practicadas; y hago adjudicacion y merced por via de venta á Don José Salvador de la Garza de los cincuenta y nueve sitios de Ganado Mayor y onze caballerias de tierra bajo los linderos que espresan las medidos. Y en attencion a las circunstancias del negocio y malaversacion de las pujas que hicieron por conocido habersido con animo de perjudicar al denuncianto respecto a la radicacion que tiene de su bienes en el Potrero del Espiritu Santo; constando como consta en esto Jusgado, por diversos espedientes que en el se hallan estos abaluados y rematado los sitios de Ganado Mayor en aquellos parajes los que mas a quatro pesos. Tengo á bien el moderar, el precio de los veinto pesos a el de ocho pesos en que se verifica quatriplicado del abaluo de estos sitios enterandolo en la Real Caja de eata Corte los cuatro sientos setenta y dos pesos de su importe en mas los onze reales de once caballerias y su media anata si pasaron estos autos á la Real Audiencia á efecto de la informasion de esta merced, y debueltos que sean se dara cuenta para la espedicion del titulo ó lo que coresponda, Proveolo el Señor

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Don Francisco Xavier de Gamboa, del consejo de su Magestad, su odior en la Real Audiencia de esta Nueva España, y Juez Privativo de rentas y composiciones de tierras y aguas valdias ó realengas y lo firmo.

GAMBOA.

Anto mi.

JOSE DE MONTALBAN,
Ecribano Real y de Provincia.

Villeté.—Señores Oficiales Reales de la Real Hacienda, y caja de este corte. Srivanse V. M. S. de mandar recevir cuatro cientos setenta, y tres pesos tres reales en que el Señor Don Francisco Xavier de Gamboa como Juez Privativo de tierras, y Aguas valdias, ó realengos ha echo adjudicacion, y merced per via de venta á Don José Salvador de la Garza de cincuenta y nueve sitios de Ganado Mayor, y onze Cavallerias de tierras en terminos de la Colonia del Nuevo Santander.

Jurisdicion del Nuevo Reino de Leon.

Y esta cantidad estara per cuenta aparte en razon de lo que procede para en remision á España en la forma acostumbrada debolbiendose este villeto glozado para que conste en los autos de la materia, Mexico veinte y nueve de Julio de mil setecientos ochenta.

JOSE DE MONTALVAN,
Escribano Real y de Provincia.

Razon.—Asentado á fojas doscientos cuarenta y dos del libro de Villetes en tres de Agosto de mil setesientos ochenta.

GUERRERO.

Otra.—En tres de Agosto de mil setecientos ochenta, se entaron en esta Real caja los cuatro cientos, setenta, tres pesos, tres tominos que refire este Villete.

MEDIO.
CASILLO.

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Certificacion.—En tres de Agosto mil setesientos ochenta Don José Salvador de la Garza, à quien el Señor Juez Privativo de tierras hizo adjudicacion y merced por via de venta de cincuenta y nueve sitios de Ganado Mayor, y ouze Cavallerias en terminos de la Colonia de Nuevo Santander entero en reales de esta Corte onze pesos seis tomines, y ocho granos, que causo al Real derecho de Media Anata deducidas de la mitad de lo que al cinco por cientos renta la cantidad de cuatro cientos setenta, y tres pesos tres tominos con que ha servido segun coesta del Villete que glosado de oficiales Reales queda en esta contadaria general del espresado Real derecho de su cargo.

En certificacion de lo cual y para que conste donde combenga doy la presente en Mexico dicha dia mes y año.

LASARRO DE ANOSETO.
y Garre.

Rep'ta del S'r Fiscal.—Mui Poderoso Señor: Lo unico que puede en contrarse como embarazo para que la merced, y venta de las tierras del Potroro del Espiritu Santo meresia la superior infirmacion, y aprovasion de V. A., es al no haver se oydo hasta ahora á Don Bartolomo Fernandez sobre la contradicion que

hizo en cierto paraje de ellas, *de ellas*, y asi mismo no haver se verificado la venta y remate por el presio de los veinte pesos que ofrecio el Pastor, Don Jose de la Garza por cada sitio reduciendo se por nuestro Juez Privativo á el de ocho pesos que la paresio ser justo, y verdadero valuo, y en quanto a lo primero se ha de suponer que el dicho Don Bartolomo Fernandez aun cinco requerido no escribio, ni manifesto los titulos en cuya

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virtud havia su contradicion, lo que persuadi que esteban solo se funda en las diligencias y medidas practicadas a pedimento de Don José Narciso Cavazos las cuales como que se disaprovaron y dieron por nulas no pueden atribuerse ningun derecho y este punto con el hecho de no haver ocurido al Jusgado Privativo ni en los tres meses que se le pusieron de termino ni en les otros siete que han corrido demas induce una gravisima presuncion de que aquella su contradicion fué maliciosa é informada y deducida con el fin de embarasar y remover la resolucion con perjuicio no solo de Don José de la Garza sino es tambien de la Real Hazienda a que es consiguiento que no haya de apresiarse ni atenderse para que un respecto á ella se demese, ó suspenda la confirmacion. Y en quanto á lo que esta vaja y moderacion del presio de los sitios hecha por nuestra Juez Privativo aunque por una parte se ha de considerar que al motivo de haverse llegado á verificar el remate de d'hs sitios hasta la cantidad de veinte pesos fué el de haver sufrido Don Salvador de la Garza tantas contradiciones, y haver conocido sus contrarios la nesesidad que tenia de las tierras por hallarse asentados en ellas sus Ganados de suerte que asugerados por esta se que Garza no repararia en el presio por un efecto de malignidad, y haserle perjuicio coma informa el Teniente le pagaron los sitios hasta veinte pesos pero por otra tambien es de atender que para la primera postura

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de diez pesos no puede desir que intervino en esta frude por que respecto de los dos pesos en que se abaluaron los sitios no estan disproporcionada la dicha postura, y mas quando segun informa el Abogado Fiscal, y supone el citado ante de nuestro Juez Privativo en aquellas Provincias Regularmente valen los sitios dos tres ó cuatro pesos de cuya cantidad no es tanta la distancia que hay á la de diez pesos que pueda desirse que exeda de lo justo mayormente si se refleja en que las usas tanto valen en quanto pueden venderse; en cuya consideracion le parese al Fiscal que seria correspondiente el moderar y reducir,

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la cantidad de los veinte pesos en que se verifico el remate á la de diez pesos en que esta el medio, y se hizo la primera postura; por le qual se servira N. A. en fuersa de su superior agrado de confirmar, y aprovar la merced, y renta echa por el Jusgado Privativo á Don Josè de la Garza de las tierras Potrero nombrado el Espiritu Santo bajo los terminos, y linderos que espresan las medida, un calidad de que haya de exhibir, y enterar las otras a cada sitias moderado su presio a el de diez devolviendose los autos al dicho Jusgado para que verificado el referido entero se le expida el Titulo correspondiente.

Mexico, Octùbre, veinte y uno de mil setecientos ochenta.

MEXICO.

Mexico, y Diciembre, onze de mil setecientos ochenta.
Dese quinta con los autos.

Auto.—Mexico, Mayo diez y seis de mil setecientos ochenta y uno.

Señores Regente VILLA VANTIA.
Asedo-Licenciado FLORES.

Auto de la R'e And'a.—En la cuidad de Mexico á diez y ocho de Julio, mil setecientos y ochenta y uno los Señores Presidente Regente, y oydores de la Audencia Real de la Nueva España haviendo visto los autos con que le adado cuenta á esta Real Audiencia al oydor Don Francisco Xabico de Gamboa, Juez Privativo de tierras, y Aguus sobre el denuncio que hizo Don José Salvador de la Garza del Potrero que nombran el Espirito Santo en la Colonio del Nuevo Santander en que

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se comprejenden cincuenta y nueve sitios de Ganado Mayor, y onze Cavalleriás de tierras, para que en ella se confirma la *la* adjudicacion que en veinte y nueve de Julio hizo al referido por via de venta de los espresados sitios y Cavallerias de tierra moderando del presio de los veinte pesos á que ascendieron las pujas que huvo á el de ocho pesos en el que se verificado quatriplicando en el del Abaluo de dichos sitios por las razones que espresa en su auto, vistas asi mismo las diligencias que para dicha adjudicasion si practicaren de orden del espresado Ministro, y lo podido por el fiscal de su Majestad en respuesta de veinte y nueve de Octubre del mismo año de ochenta con lo demas que convino.

Dijeron que confirmaron y confirmaron la merced echa por via

de renta por el referido Juez Privativo de tieras á Don José Salvador de la Garza de los sitios y Cavallieras que comprehende en decreto de veinte y nueve de Julio del año proximo pasado con calidad de que el precio de cada uno de ellos ha de coner á razon de diez pesos, y en su consecuencia ha de exhibir y enterar lo que a este respecto falta para completar su importe como tambien la cantidad de cien pesos, da servico a su Majestad, por la graisa de que se hacen en relevar lo de acudir por la enfirmacion a su Real Persona, en forma de lo provenido en Real Cedula de quinze de Octubre de mil

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seteciento cincuenta y quatro. Y asi mismo mandaran y mandaron que para el punctual cumplimiento de todo se debuelvan los de la materia al espresado Jusgado de tierras. Y asi lo proiveron y rubicaron los Señores.

Regente VILLARENTIA.

Asedo-Luyando JOSE MARIANO VILLASUA.

Cincuerda con su original a que me remito doy fé.

JOSE MARIANO VILLASUA.

Villete.—Señores Oficiales Reales de la Real Hacienda, y caja de esta Corte. Sirvanse V. M. S. de mandar recivir de la parte de Don Salvador de la Garza ciento diez y ocho pesos por razon de dos mas en cada sitio de cincuenta y nueve de Ganado Mayor que el Señor Don Francisco Xavier de Gamboa como Juez Privativo de tierras y aguas le hizo adjudicacione y merced por via de venta en la Colonia del Nuevo Santander y se previno asi por la Real Audiencia á igualmente cinco pesos que dicho Real Tribunal ha señalado por la gracia de la confirmacion y esta cantidad estara per cuenta aparte con razon de lo que prosedo para su remiscion á España en la forma, ácostumbrada debolviendose este Villete este Villete glosado para que conste en los autos de la materia, Mexico, dose de Setiembre de mil setecientos ochenta, y uno.

JOSE DE MONTALVAN,
Escrivano Real y de Provincia.

Razon.—Asertado á fojas ciento setenta y tres vuelta del Libro de Villetes en trese de Setiembre de mil setecientos ochenta, y uno.

BARRANDEGNIL.

Otra.—En trese de Setiembre de mil setecientos ochenta, y uno se contaron en estas Reales cajas los doscientos diez y ocho pesos centenidas en este Villete.

MEDIO.
CASILLO.

Certificacion.—En trese de Setiembre de mil setecientos y ochenta, y un años Don Salvador de la Garza á quien la Real Audencia de esta Capital le confirmo á merced que el Señor Don Francisco Xavier de Gamboa como Juez Privativo de tierras le hizo de cincuenta y nueve sitios de ella en teminos de la Colonia del Nuevo Santander mandando exhiviese dos pesos mas por cada citio del presio en que se le mencion enteró en Reales Cajas de esta Corte diez y seis pesos, cinco teminos, nueve granos que causo al Real derecho de media annata en esta forma dos pesos siete temines tres granos como mitad de lo que al cinco por ciento renta en un

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Un Real. y ochenta, y uno.

año la cantidad de ciento diez y ocho pesos que montan los dos pesos aumentados al valor de las tierras, y los restantes trese pesos sinco tominos seis granos por la gracia de la *de la* confirmacion, segun manifiesta el villete que glosado de oficiales Reales queda en esta contaduria general de mi cargo.

En certificacion de lo cual, y para que conste dondo combenga doy la presente en Mejico dicho dia mes y año por audiencia del Contador Diego de Cabarrebias.

Signe.—En vista del auto de los Señores Presidente Regente y Oyderes de la Real Audiencia por de acto que prevei el dia diez del corriente deliver espedir presente por el cual usando de las facultades que me son conferidas por la Real Cedula Instruccion de quinze de Octobre de setecientos cincuenta y cuatro declaro que Don José Salvador de la Garza cumplio con lo mandado en ella, y en nombre de S. M. (Dios le guarda), y sin perjuicio de tersero ó communidad de Indios lo admito á composicion hago adjudicacion y merced por via de renta de cincuenta, y nueve sitios de Ganado Mayor y onze Cavallerias de tierras en terminos de la Colonia del Nuevo Santander, y no propasando se de sus linderos suplo y despueso la falta de merced y titulos vicios, y defectos, con que las ha poseido que por esta razon si otra alguna no se le obligé á medidas á entrar en otra composicion sin la exhivicion de otro titulo por darselo como se lo doy amplio bastante y como lo hubiese monester para la propriedad de dichas tierras cueios puertos gosen, y de sus entradas salidas usos costumbres, y servidumbres cuartas ha y tiene de fuero y de derecho sin excetrar le ni resasarle cosa alguna á d'ho Don José Salvador, ò á quien su causa hubiero; y derecho representase con calidad de haberlas de poblar y cultivar de lo que necesitaron conforme á ordenenzas del

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Un Real. y ochenta, y uno.

Reino que de esto tratan y que de si en algun tiempo se necesitaro

el todo ó parte de dichas tierras para alguna foundacion de fuerte Villa ó lugar lo que asi fuere lo hade dejar libro y desembarazado pagandole lo que á la razon valuido con cuias calidades sean suias y de sus herederos y subsesores como habidas y adquiridas con suio y legitimo titulo de propriedad que es el presente. Y mando á la Justicia de aquella provincia que cada y cuando le pida el espresado Don José Salvador de la Garza lo entre y de posecion de las espresadas tierras con estacion de los Colindantes sin embargo de que les quiera contradicion ni causar despojo alguno, y de la posecion que le diere no concienta el dicho Justicia sea despojado oydo per fuero y derecho vencido entregandole las diligencias que practicase á contunacion de este titulo para su guarda y su derecho Mejico, veniete, y seis de Setiembre de mil setecientos ochenta y un años.

Entre Registro, cincuenta y una (Ve. tachdo.); demonstracion quince de Provincia, treinta, y (no vale.)

DON FRANCISCO XAVIER DE GAMBOA.

(Rubrico.)

Por mandador al Señor Oydor Juez Privativo.

Drós setenta ps. con papel, y el escrito, y no mas asi lo juro.

JOSEPH DE MONTALVAN,
Esño Real y de Prova.

V. S. admite a composicion hace adjudicacion y merced por via de venta de cincuenta y nueve sitios de Ganado Mayor y once caballerias de tierra a Don José Salvador de la Garza en terminos de la Colonia del Nuevo Santander respeto a haber enterado en la Real Caja de esta corte el importe de ellas la gracia de la confirmacion y media annata que se repute, &c.

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Mexico y Fbre. 26, de 1781.

Titulo de composicion adjudicazon, y mrd. de '59 Sitios de Ganado Mayor, y ouze caballerias mas de tierra hecho por el Señor Juez Primativo de este Reyno y confirmada por su Real Audiencia a fabor de Don José Salvador de la Garza vezo. de la Villa de Camargo en termino de la Colonia de Nuevo Santander, &c.

DISTRICT COURT OF THE UNITED STATES,
District of Texas.

RAFAEL GARCIA CAVAZOS *et als.*
vs.
CHARLES STILLMAN and others.

The foregoing document, being the paper writing purporting

to be the original testimony of Title issued to Don José Salvador de la Garza, for the tract of land stated in the Bill of Complaint, was produced by William G. Hale, one of the Solicitors and counsel for the said complainants, at the hearing of the above entitled cause, and testified to by the said William G. Hale, Robert H. Hord, John S. Jones, and Charles Rossignal, as appears by their testimony now reduced to writing, and was then offered in evidence in this cause, with the translation on file. To the admission as evidence, the counsel for the defendants objected, for the *for the* reasons hereinafter stated, but their objections were overruled by the Court, and the said document was accordingly admitted and read in evidence, at the hearing on the part of the said complainants, and filed.

March 28, 1851.

JAMES LOVE, *Clerk.*

Translation of the copy of the Testimonio of Title to the Potrero del Espiritu Santo, and of the said Testimonio itself.

DISTRICT COURT OF THE UNITED STATES, *District of Texas.*

RAFAEL GARCIA CAVAZOS, and others, *vs.* SIMON MUSSINA.

RAFAEL GARCIA CAVAZOS, and others, *vs.* CHARLES STILLMAN, and others, } In Chancery.

Translation of a copy of the original testimonio of title of Don José Salvador de la Garza to the "Agostadero del Espiritu Santo," and of the accompanying documents:

On the outside cover, attached by the notary, D. Cipriano Guerrero, at Victoria, on taking the deposition of Don Juan Nepomuceno Molano.

REPUBLIC OF MEXICO, STATE OF TAMAULIPAS, *City of Victoria*, 1849.

Court of the First Instance of the department of the centre documents, marked L. M., which the witness, D. Juan Nepomuceno Molano, examined and which are mentioned in the depositions which he has given in the civil suits, which D. Rafael Garcia Cavazos and others are presenting in the District Court of the United States of America for the District of Texas, against D. Simon Mussina, D. Carlos Stillman and others, as to title to lands.

On the outside cover of the copy marked L.

Titles of the 59 sitios and 11 Caballerias in the Potrero del Espiritu Santo:

Petition.—To the First Constitutional Alcalde: I, Juan José Tijerina, of this city, appear before you in due form of law and say: That there being various owners of the tract of land to which the annexed title refers, and fearing that it may come to be difficult to read it, as well on account of its age, as by reason of the use of it by the parties interested, I ask and pray your Honor to be pleased to order that two authorized copies in due form may be given to me which may have the same authority as the original, which I likewise ask may be returned to me after being rubricated by your Honor. I ask this as a matter of justice, with the declaration and oath presented by law.

JUAN JOSE TIJERINA.

Matamoras, March 7th, 1837.

City of Matamoras, March 8th, 1837.

This petition, with the accompanying documents, having been admitted, let the copies which the party asks be taken, and when this is done let it be returned to him as he prays. I, the citizen Juan Nepomuceno Molano, First Constitutional Alcalde, thus provide, and have ordered and signed with my assisting witnesses, with whom I act. I certify.

JUAN NEPOMUCENO.

Assisting witness, Francisco Mayorga.

Assisting witness, Marcos Galindo.

On the same date, D. Juan José Tijerina being present in his proper person, as I certify, I notified and apprised him of the foregoing order, and having understood it, he said: That he hears and signs with me and my assisting witnesses. I certify.

MOLANO.

JUAN JOSE TIJERINA.

Assisting witness, Francisco Mayorga.

Assisting witness, Marcos Galindo.

Old title, 2d title page.—Mexico, and September the twenty-sixth, one thousand seven hundred and eighty-one.

Title of sale, adjudication and grant of fifty-nine sitios of Ganado Mayer, and eleven *caballerias* of lands, made by the special judge of lands in this kingdom, and confirmed by the Royal Audience in favor of Don José Salvador de la Garza, resident citizen of the town of Camargo, within the limits of the colony of Santander.

Don Francisco Xavier de Gamboa, of the Council of his Majesty, his Order in this Royal Audience of this New Spain and Special Judge of sales and purchases of lands and water in the district of

the said Royal Audience, etc. Whereas, proceedings were had before and in this my special tribunal, upon the application of Don José Narciso Cavazos, resident and original settler (poblader) of our Lady of Guadaloupe de Reynosa in the Gulf of Mexico, who asked to be permitted to purchase a Santa Rita, and after the usual order had been given to him, that the proceedings prescribed in it, for the objects of his claim, might be taken, D. José Salvador de la Garza upon this opposed the said claim, declaring that the said lands were contained within the Potrero named Espiritu Santo, which he had denounced in the year seventy-two before the Lieutenant General of that colony, who ordered him to apply to this tribunal, and he having done so by means of powers of attorney which he gave, and full means for the prosecution of the business, he failed in obtaining the grant through the negligence of his attorneys. In consideration whereof, and of the proceedings had on the application of the said Cavazos and what has been alleged on either side, by an order of the twenty-sixth of November in the past year, seventeen hundred and seventy-seven, I declared that the purchase of the place of Santa Rita, claimed by Cavazos, would not be admitted; and I ordered that a commission (despacho) be delivered to D. José Salvador de la Garza, in conformity with the denunciation which he had heretofore made before the Lieutenant General of the colony and repeated in this tribunal, in order that the nearest Justice (Teniente) might execute the proceedings prescribed in the order. In obedience to which the commandant of the town of Camargo proceeded to receive the following testimony (informacion):

Testimony.—In the town of Santa Anna de Camargo, on the aforesaid fifteenth day of the month of June, one thousand seven hundred and seventy-nine, before me, D. Juan Antonio de Echave, holding the post of Chief Justice of the said town (Teniente de Justicia Mayor de dicha villa), and commissioned as judge in these proceedings; and before my assisting witnesses, Don José Salvador de la Garza presented as his first witness Don Salvador Vela, a resident citizen of the said town, and I administered to him in his proper person, which I certify I know, the oath which he took in full form, by God our Lord and the sign of the Holy Cross, under which he declared he would speak the truth as to what he might know and should be asked; and being interrogated as I have directed, he said, that the Potrero, which he knows as that of Espiritu Santo, has as its boundaries and natural outlines (terminos y huderos) the Arroyo Colorado, Lagunes (Lagunas) of the Sea, the Rio Grande, and on the side of the entrance a thick wood; that he knows that the first who settled the said Potrero was Don José Salvador de la Garza, who has had and still has possession of it with various others, whom some time afterwards he established there under his protection or control (los puso a su arrimo), it being about eight years since he settled it; that he

knows that these lands are vacant and a part of the public domain (valais y realingas), because he has known no owner of them; that this is the truth upon the oath which he has taken, and this he confirmed and ratified: he said that he was seventy-five years of age, and that the general prohibitions of the law did not apply to him, and as he did not know how to write I, the aforesaid judge, did so for him, before me and my assisting witnesses, with whom I act as examining judge (Juez receptor); all of which I certify.

JUAN ANTONIO DE ECHAVE.

Assisting witness,
José Lorenzo Treviño.

Assisting witness,
Tomas Flores.

2d Witness.—And immediately thereafter, before me, the aforesaid Judge, and my assisting witnesses in the present investigation, D. José Salvador de la Garza offered as his second witness, Juan Darnacio Perez, a Spaniard, and resident citizen of the said town, and I administered to him, in his proper person, which I certify I know, the oath which he took by God our Lord, and the sign of the Cross, upon the faith whereof he declared he would state the truth in all he might know, and should be asked, and being interrogated, as has been ordered, he said the party being present to see him take the oath, as in the preceding examination, that the Potrero, which they call that of the Espiritu Santo, has upon one side, and to form its figure, (por un lado tino y forma), the Rio Grande, lagunes of the sea, Arroyo Colorado, and a thick wood, (breñal espeso), or thicket on the side of the entrance of the said Potrero, in the centre of which it has some ponds when it rains, which slowly dry up; that the first who entered by breaking through the thicket, was Don José Salvador de la Garza, who possessed it, and still possesses it, with another whom he put there under his protection, (a su arrimno metió), long after, that it must be something like eight or nine years since the said Don José Salvador de la Garza has settled it, that he knew the said lands to be vacant, uncultivated lands, belonging to the public domain of the King, and that he has positively not known nor heard mention of any other person as having settled (publado) the said lands; that this is the truth upon the oath that he has taken, and confirming and ratifying it, he said that he was fifty years of age, and that the general prohibitions of the law do not apply to him, and as he also does not know how to write, I, the said Judge, have done so before me and my assisting witnesses, acting by way of an examining board (por receptoria), as before stated: which I certify.

JUAN ANTONIO DE ECHAVE.

Asst. wit.,
José Lorenzo Treviño.

Asst. wit.,
Tomas Flores.

3d Witness.—In the town of our Lady, Santa Anna de Camargo,

on the sixteenth day of the said month and year, before me, the above mentioned Judge, and assisting witnesses, D. José Salvador de la Garza, presented as his third witness, D. Juan Bautista Garcia, a resident citizen of the said town, and I administered to him in his proper person, which I certify I know, the party being present, the oath which he took, according to law, by God our Lord, and the sign of the Holy Cross, upon which he declared he would state the truth as to what he might know and should be asked, and being interrogated as is required, he said: that he has known the Potrero which they now call that of the Espiritu Santo about twenty-six years, in expeditions undertaken against the savages, as one of the first settlers of this town, and that he has always known it as an uncultivated, vacant land, belonging to the public domain of the Crown, and that the Arroyo now known as the Colorado, forms it upon one side, the lagunes immediately communicating with the sea, upon another, and on the third and southern side, the Rio Grande, closing the west side with a thicket; that he knows, as public and notorious, that Don José Salvador de la Garza opened and broke through this thicket, making an entrance in it, when he settled it, which must be eight or nine years ago, without any other person having done so before, and that he knows and is sure, that he has maintained under his care and protection, other persons whom he placed in it, after he had entered and stocked the said land, in which he has seen some fences and bars (trancas) which serve to close the entrance, all made by the said Don José Salvador de la Garza, who has enjoyed and kept in it his stock, up to the present time, and that there are no permanent watering places besides the Rio Grande; that this is the truth upon the oath that he has taken, which he confirmed and ratified, and said that he was seventy years of age, and that the general prohibitions of the law did not apply to him, and that he does not know how to sign. I have signed, with my assisting witnesses, with whom I act, as has been said, which I certify.

JUAN ANTONIO DE ECHAVE.

Asst. wit., José Lorenzo Treviño.

Asst. wit., Tomas Flores.

4th Witness.—In the aforementioned town, and on the aforementioned day, month and year, before me, and in this tribunal, and before the assisting witness, the party presented as his fourth witness for the present examination, D. Lorenzo Serna, a resident citizen of this town, and I administered to him in his proper person, which I certify I know, the oath, which he took in all form of law, by God our Lord, and the sign of the Cross, upon which he declared he would speak the truth as to all which he might know, and should be asked; and after the party who was present to see him take the oath, had retired, he said: that he is one of the first settlers of this town, and has known it for the period of thirty

years; but on account of his having been a soldier, and for this reason having been assigned to various detachments from this promise, he was never in those times with his companions at the Potrero, which is now called that of the Espiritu Santo, but had, on several occasions, gone there himself, and knew it in consequence of having gone round the outside, where only pagan Indians were living, until D. José Salvador de la Garza, in the year seventy-one, invited him to accompany him, and examined the said Potrero, to see whether it offered any advantage for the protection of the stock (bienes) of the said D. Salvador, and accompanying him, they went together to examine it, and arriving at a thicket that was there, through which alone they preceived they could make their entrance easy, they did so by means of hatchets and knives, notwithstanding the danger with which they were threatened from the Indians; and having entered, they saw the latter retiring, upon which they determined to go through the whole of the Potrero, in which they spent six days; that immediately after, the said D. José Salvador put in it his stock, (bienes), improving it (poblandole) with buildings, (hacales), that he made, fences and cattle pens, (conales), and that the place of his entrance may be recognized by the bars (trancas) in it; by which he knows by actual observation, that the said Potrero was not settled before by any other person, and that the said thicket, Arroyo Colorado, Lagunes of the sea, and Rio Grande, form it; that it is an uncultivated tract of land, full in all parts, of small streams and ponds, which the freshets and rise of the Rio Grande, Arroyo Colorado, and Lagunes of the sea, which inundate the said Potrero, have made the men and animals there preserving themselves upon some elevations, that it has all which he has seen in passing over it afterwards on repeated occasions, that he knows that D. José Salvador de la Garza, aforesaid, has conciliated and obtained the good will of these Indians by giving them beeves to eat, and clothing to wear, and conducting himself with them with such courtesy (urbanidad) that he has brought some of them, both men and women, into the bosom of our holy religion, and caused them to be married by our holy mother church, so that he is well known to keep some of them in his own house, and he also knows that within the four years that the said Potrero has been settled, he has placed in it under his protection, some residents, as well of this town as of that Reynosa, and various others from beyond the frontier, who are now living in their respective settlements, by which he knows and it is true, that the said Potrero and its lands are vacant, and belonging to the public domain of the Crown; all which he declares by the questions which were put to him, and has confirmed and ratified it to be true upon the oath which he has taken; he said he was sixty years of age, a little more or less, and did not know how to sign, and that the general prohibitions of the law did not apply to him. I, the said Justice (Teniente) and Commis-

sioned Judge, (Juez Comisunado) have signed before me and my assisting witnesses, with whom I act, as has been said, all of which I certify.

JUAN ANTONIO DE ECHAVE.

Asst. wit., José Antonio Treviño.

Asst. wit., Tomas Flores.

5th Witness.—In the said town, on the same day, month and year, before me, the aforesaid Judge, commissioned for these proceedings, and my assisting witnesses, Don José Salvador de la Garza presented in this tribunal, as the fifth and last witness in this investigation, D. José Xavier Salinas, a resident citizen of this town, and I administered to him in his proper person, which I certify I know, the party being present, the oath, which he took according to law, by God our Lord, and the sign of the Holy Cross, upon which he declared he would state the truth as to what he might know and should be asked, and being interrogated, as is ordered, he said: That he is one of the first who settled and built this town, in doing which, he passed, on many occasions. along the outside of the said Potrero, which is now called that of the Espiritu Santo, and that, although he was, upon some of these occasions, accompanied by others, he never determined, on account of the danger from the Indians, to enter and examine the said lands; but that it was known that a creek (arroyo), known as the Colorado Lagunes opposite the sea, the Rio Grande, and a dense thicket, made and formed the said Potrero, in which only pagan Indians dwelt, and that it remained, without being settled by any other person, until, in the year seventy-two, Don José Salvador de la Garza entered to settle it with his stock and by building dwelling houses, cattle pens, and fences, that he made, where he has remained without having ever been dispossessed of it, and still remains up to the present time; that he knows that, something like four years afterwards, he established agregó, as well in the said Potrero as in its immediate vicinity, several other residents of the towns of Reynosa and Camargo; that it is a country, as is publicly known, as to the most or the whole of the Potrero, which is covered with water by the freshets, which often happen in the said Rio Grande, Arroyo Colorado, and Lagunes, as is confirmed by its being notorious that the said Don José Salvador de la Garza was once surrounded by water (islado), and was not able to escape for some days, and this danger threatens him in such freshets with destruction to himself and also the loss of his property (bienes); that he has always known and considers the said Potrero as vacant, and belonging to the public domain of the Crown; that this is the truth upon the oath that he has taken, which he confirmed and ratified. He said that he was seventy-four years of age, and that the general prohibitions of the law did not apply to him, and this he has signed before me and

assisting witnesses, acting as an Examining Court (por receptori), as above mentioned—all of which I certify.

JUAN ANTONIO DE ECHAVE,

FRANCISCO XAVIER SALINAS.

Assisting witness, José Antonio Treviño.

Assisting witness, Tomas Flores.

And this examination, which was taken officially, being completed, they proceeded to the actual inspection (vista de ojos) in the following form:

Actual Inspection.—In the second estate (estancia) of the Espiritu Santo, on this the twenty-sixth day of the said month and year, I, the said Judge, accompanied by my witnesses and all those above-named, who appeared in consequence of the citation made to them, taking as a guide Don Lorenzo Serna, on account of the complete acquaintance that he has and enjoys (que trine y le asiste) with the said Potrero, in respect to the recesses, bends, and elbows (vincenadas, bolsas y recedes) that as we are informed the Rio Grande del Norte, the lagunes of the sea, and the Arroyo Colerado, which form it, make, the expert as surveyor going likewise with us, went into the field to begin, as I did begin, the actual inspection (vista de ojos) of the aforesaid land, and the places which surround it, water holes, and the nature of the ground, (terreno,) and for proof thereof I have made this official statement, (lo pure por diligencia,) which I have signed before myself and my assisting witnesses, with whom I act as Examining Judge, (Juez Receptor.) All of which I certify,

JUAN ANTONIO ECHAVE.

Assisting witness, Jose Rafael Lopez.

Assisting witness, José Benito Lopez.

Continues.—In the aforesaid estate, on the thirtieth day of the said month and year, I, the aforesaid Judge, having terminated the actual inspection of these lands of Espiritu Santo, which was done in company with the appointed Surveyor, D. Manuel de Sierralta, and other persons already mentioned, I have noticed the courses of its lines, the centre, and the nature of the ground which is uncultivated (enàso) on account of the many breaks and (derrames) which it contains, as well as the many expanded and large ponds which surround, and prove that the most or the whole of the Potrero is inundated by them in the rises of the Rio Grande and Arroyo Colerado, especially since from the last issue the said ponds and lakes, the latter being fed equally by the high tides of the sea, so that when they unite the danger before spoken of is apparent, (I mean,) that of being drowned with no chance of escape except upon some small eminences, that the said Potrero has, or by the people escaping in boats to dry land (tierre firme) at a great distance, as the water extends on

these occasions as much upon one side as the other, from the river and from the Arroyo; so that the most of the said ground of this Potrero is only covered with a kind of grass called secaquite, not at all fit to be eaten by any animal, as is known by experience, it being an herb which usually grows upon salt marshes near the coasts of the sea; and the said Potrero contains no permanent watering place except the Rio Grande, and when it rains, some pools, which dry up in a short time, this also happening with the said ponds, (Esteros;) and then the waters of the Arroyo Colorado, on account of their brackish and bitter nature, are like those of the sea, on which account it is only useful as regards horses and other stock, by the security and protection which it afforded, on account of the said Potrero not having but one entrance and exit, through the dense thicket which runs across it from the Arroyo Colorado to the Rio Grande; all of which I set down in this official statement, (pongo por diligencia) signing it before me and the rest of those cited and present, who have learned the same facts, and the Surveyor, acting as an examining Court, as has been said: all of which I certify.

JUAN ANTONIO ECHAVE.

MANUEL DE SIERRALTA,
JUAN JOSE DE LA GARZA FALCON,
BARTOLOME TREVINO,
PEDRO VILLAREAL,
JOSE ANTONIO DE LA GARZA FALCON,
JOSE SALVADOR DE LA GARZA.

Assisting witness,
José Benito Lopez.

Assisting witness,
José Rafael Lopez.

Continues.—In the said estate, named the Espiritu Santo, on the first day of the month of July of the aforesaid year, I, the aforesaid Judge, in consideration of the completion of the actual survey (vista de ojos) of the said Potrero, and inasmuch as no opposing circumstance has been raised by it to impede or prevent the survey and examination (reconocimiento) of its lands, as is ordered to me, in consequence thereof it is my duty to order, and I do order, to pass to its execution, and it must begin at a watering-place (abrevadero) that there is on the Rio Grande, where it forms a corner with the fence which runs to this place, from the north to the south, which is the line of the thicket which comes from the Arroyo Colerado in the same direction; and for its proper effect I set it down in this official statement before me and the witnesses with whom I act as an examining Court, as has been said; which I certify,

JUAN ANTONIO ECHAVE.

Assisting witness,
José Rafael Lopez.

Assisting witness,
José Benito Lopez.

Survey.—In the watering place above mentioned on the Rio Grande del Norte, being in it on the second day of the said month and year, I the aforesaid Judge, accompanied by assisting witnesses, adjoining proprietors and neighbours, (codantes y circumriemos,) as well within as without the said Potrero, which are the same, since there are no others than those already named for the actual inspection. I ordered D. Manuel Sierralta the Surveyor, nominated and sworn in due form for this survey, to begin to exercise his office, and he, before me, the witnesses, and other persons present as aforesaid, took a staff of the usual length, and attaching to it one of the ends of the measuring cord, (Cordel) prepared for this purpose, measured away from the said staff and gave the cord fifty varas in length, the vara being that used for measuring cloth in Castile, and the one customary in this Province of New Santander, and having measured off the said fifty varas, he attached the said cord at the place where they ended to another staff of the same size, so that between both, there were only measured the aforesaid fifty varas, and setting a compass, he ran this first line from the aforesaid watering place, course East, going in a straight line along the meanders of the Rio Grande down the stream arriving with five hundred and eighty-four ("cordeladas,") (measures of fifty varas each,) at the aforesaid river, at a el (derrame) from it, by which, in its freshets, it fills with water a tank (tanque) which was left above (que quedo por la parte de arriba) at a distance of six cordeles, which was left as a natural land mark (por lindero,) in which place I ordered the Denunciant, Don José Salvador de la Garza to establish a more fixed mark (mas señal fija) as a corner, (mojonera,) then remaining on this line towards the South some recesses and elbows (tobras y recodos) which the bends of the above mentioned Rio Grande formed, that the Surveyor said that he would notice after completing the other lines, in order to include the entire amount of the square leagues (sitios) those which might be formed in the said bends and elbows, and this being concluded up to the said place of the , I have set it down in this official statement, which as well as the said Surveyor and the interested party as the rest of the adjoining proprietors and neighbours, who were knowing to this fact have signed before me, and the assisting witnesses, acting as an examining tribunal as has been said, all of which I certify.

JUAN ANTONIO DE ECHARE.

MANUEL DE SIERRALTA,
JUAN JOSE DE LA GARZA FALCON,
JOSE SALVADOR DE LA GARZA,
PEDRO VILLAREAL,
JOSE ANTONIO DE LA GARZA FALCON,
BARTOLOME TREVINO.

Assisting witness, José Benito Lopez.

Assisting witness. José Rafael Lopez.

Continues.—In the said place of the of the river in which ended the first line, on the third day of the said month and year, before me, witnesses and the other persons, the said Surveyor measured the surveying cord, making it as he had made it, fifty varas in length, by the aforementioned vara for measuring cloth in Castile, as upon the foregoing day, and setting the compass, he ran this second line straight to the North, and at two hundred and six Cordeladas, we came to the head of the Lagunes of the Sea, besides others that were seen in the East, and having gone round the head of the first and various others that succeeded, communicating with each other, following always the north course, the surveying cord came into a little bend or pocket which the said Lagunes make, these being on the West and East until they reach the "Lagunas Madres," which are formed by the Arroyo Colorado, and in which its waters empty and flow, there being far within this line something more than a league, a place improved (poblado) with houses (hacales) and cattle pens, named San Juan del Retiro, where are living some herdsmen (vaqueros) servants of the aforesaid Don José Salvador de la Garza, and there being no more land on account of our having reached the said Lagunas Madres, and having nothing before us but water, the second line amounted to nine hundred and ninety-three cordeles in the whole, the end having been measured over again several times in the distance ran, as was also done on the first day, all of which I set down in this official statement, which the Surveyor and interested party, and the others who accompanied us were knowing to the facts, have signed with me and the witness with whom I act, as has been stated, all of which I certify.

JUAN ANTONIO DE ECHAVE.

MANUEL DE SIERRALTE,
JUAN JOSE DE LA GARZA FALCON,
JOSE SALVADOR DE LA GARZA,
PEDRO VILLAREAL,
JOSE ANTONIO DE LA GARZA FALCON,
BARTLOME TREVINO.

Assisting witness,
Benito Lopez.

Assisting witness.
José Rafael Lopez.

Continues.—In the place on the banks of the Colorado, where it begins and expands its broad lagunes (lagunas madres) at which place we arrived by going round and even wading through the water of the lagunes, that we had to the West on the second line when we entered by it, the bend or little pocket before mentioned, which thus remained as a natural land mark, together with an artificial one, (señal) which was placed there where this third line begun, by measuring from one to the other within the Potrero del Espiritu Santo, at a distance from the lagunes, which circumstance induced us to execute the survey in this way, on account

of finding no firm ground or foothold there, (mingun paso) in which place before me, witnesses, the Denunciant, and others already mentioned, the Surveyor again measured his cord, which he made fifty varas from staff to staff by the same vara as aforesaid, and setting his compass, began this third line along the meanders of the said Creek (Arroyo) up the stream, course West, and at three hundred and nine Cordeles; the aforesaid Surveyor noticed that the said creek turned South as though crossing the Potrero del Espiritu Santo, on which account, following the said course to the South as well as the said creek permitted, keeping always near its banks. At a distance of a hundred cordeles it was found impossible to follow any line further, on account of the country being inundated by a large lake and little streams, tributaries of the Colorado into which they emptied their waters, as also by a dense and impassable thicket which joined the said Arroyo Colorado and lake, which entirely prevented the running of this line, but those experienced and well acquainted with the bends of the said Arroyo, declared that at some distance beyond the place where we were compelled to stop, the aforesaid Arroyo turned again to the West, as to which line the Surveyor agreed with the experts and the interested party, that it ought to have and did have the same number of varas in length as the front line on the Rio Grande, that is five hundred and eighty four cordeles, on account of the second line running along the Lagunes (la segunda linea de los Lagunas) from the South to the North, and by our actual inspection (vista de ojos) then corresponded to it for the fourth line, one from the North to the South as indicated the final scene upon this line, and on account of this calculation the interested party was ordered to establish an artificial land mark which might serve as a corner, (que simiera de mojonera) and this official statement all the proper persons, and those who were knowing to the facts have signed before me, and the witnesses with whom I act as an examining tribunal as has been said, all of which I certify.

JUAN ANTONIO DE ECHAVE.

MANUEL SIERRALTA,
JOSE SALVADOR DE LA GARZA,
JUAN JOSE DE LA GARZA FALCON,
BARTOLOME DE TREVINO,

Assisting witness,
José Rafael Lopez.

Assisting witness,
José Benito Lopez,

Continues.—In the aforementioned place of the thicket and the lake which prevented the running of the third line aforementioned, as has been said, which line was concluded (or came to an end) (se conclugo) on the seventh day of the said month and year, the fourth line followed, on the eighth day succeeding, in the present and aforesaid month, and as to this last line, it was likewise impossible to follow it up, with the surveying cord, on account of the

impenatrable nature of the thicket, the lakes and drains (resacas) which, interwoven with the said thicket, made it difficult, by the necessity of deviating from the straight course (por vi dando melta) in most of the said line, but it was agreed by the experts and the intelligent men who accompanied us, that the said insurmountable difficulty (dicha imposibililad) continued along the said line for a distance of five leagues—and in this the interested party agreed—till coming, as we in fact came out at the fence, which he had set up on this front in the clear ground (en lo raso), at which place the surveyor aforesaid measured his cord, and making it the fifty Castilian varas, set his compass, and observed that the said fence ran from north to south, and pursuing this course, we came, at two hundred and twenty-five cordeles, to the watering-place where this survey commenced on the Rio Grande del Norte, where it closed, and uniting the two hundred and twenty-five cordeles with the five leagues through the thicket and water, they make up the quantity of six hundred (seven hundred) and twenty-five cordeles; and the said surveyor having already made a calculation, for this purpose, of the bends and elbows which the said Rio Grande forms, belonging to the first line, he declared that in these last and under the four said lines, were contained fifty-nine square leagues (Sitios de Ganado Mayor) eleven and one-half Caballerias of land, in favor of his Majesty, according to his acquaintance with the art of surveying, ratifying this by the oath which he has taken, all of which I set down in this official statement before me and my assisting witnesses, the persons already mentioned being present, who signed on their respective accounts, and as to those who could not write, I, the said Chief Justice of the town of Camargo, and Judge Commissioned for this business, have done so for them, acting as an examining Tribunal, as has been said; I certify.

JUAN ANTONIO DE ECHAVE.

MANUEL DE SIERRALTA,
SALVADOR DE LA GARZA,
JUAN JOSE DE LA GARZA FALCON,
BARTOLOME TREVINO,
JOSE ANTONIO DE LA GARZA FALCON,

Assisting witness,
José Rafael Lopez.

Assisting witness,
José Benito Lopez.

Continues.—And notwithstanding that two of the adjacent proprietors made opposition, inasmuch as they did not present their objections in form, nor exhibit their titles, the Justice, acting as Commissioner, proceeded to give the public notices required by law, and a day having been appointed for the sale (remate), it was made in the following form:

Sale.—In this said town of Santa Anna de Camargo, on the twenty-second day of this present month and year, and the last

day of public notice for the sale, I, the said Commissioned Judge, ordered the drum to be beaten in the same place directly after High Mass, and by the voice of the Public Crier, I gave public notice of the sale before the Commandant (el Señ Capitan), the Reverend Father, the Priest of this town, various neighbours, and Don José Salvador de la Garza, and seeing that the hour had now arrived in which it is and has been usual and proper (regular) to make the said sale, I order the last call to be given, and there was no one who would bid (pesará) more than twenty dollars, which Don José Salvador de la Garza has bid, and the said estate (Agostadero) was adjudged to him after twelve calls (endo el pregunes) which I made or repeated on this the same day of sale, and so that he, D. José Salvador de la Garza might have it for his good profit (buena pro), and he signed with me and my assisting witnesses, with whom I act, as an investigating Tribunal, which I certify.

JUAN ANTONIO DE ECHAVE.

JOSE SALVADOR DE LA GARZA.

Assisting witness,
José Benito Lopez.

Assisting witness,
José Rafael Lopez.

Acceptation.—In the aforesaid Town, on the said day, month and year, before me, the said Justice (Teniente), seeing that the thirty days for the daily notice of the sale which I was ordered to give by this order of Government (este superior despacho) were entirely completed, as well as the day which I had fixed for its sale, the said Don José Salvador de le Garza, on his part, was content, and he having expressed his compliance and accepted the said Potrero, before the Commandant (Capitan) Don José Antonio de la Garza Falcon, the Reverend Priest of this Town, Brother Francisco Villuendas, the Regidar having the first vote, Don Miguel Chapa, the Procurador, D. Augustin de la Garza, and other citizens who were present, and in order that this may appear in all time to come, I make this official statement, which the said Don José Salvador de la Garza has signed with me and my assisting witnesses, acting as an examining Tribunal; all of which I certify.

JUAN ANTONIO ECHAVE.

JOSE SALVADOR DE LA GARZA.

Assisting witness,
José Benito Lopez.

Assisting witness,
José Rafael Lopez.

And these proceedings having been sent up, (the party) exhibited the Petition of the tenor following:

Petition.—I, Belthazar de Vidaurrie, for Don José Salvador de la Garza, a resident citizen of the town of Camargo, in the Colony of New Santa Anna, in the proceedings as to the denunciation of lands, to which he has given the name of Espiritu Santo, accord-

ing to the record, (escrito) of sixty-seven leases, part the second, so far as the law allows me to state: that an order having been issued to take the steps prescribed in the Royal decree (Acordado) for the grants and sale of these lands, all these steps were taken by the Justice of the said town of Camargo, as the paper book, (canderno) in which he gives an account of his proceedings, shows, without meeting any other opposition than that of Don Bartolomé Fernandez, an adjacent proprietor on the side of the entrance of the Potrero, with respect to the fourth and last line, on the ground of its having happened that one of his estates (tierras) which ran into the Petrero on the east to a dry well, was crossed and intersected by this line, that he was asked for his titles, and did not exhibit them; but a period of three months was assigned to him, from the first of September of the year last past, to appear to sustain his opposition in this special tribunal, and he not having done so, I charge him formally with contumacy (rebeldia) on the fifty-second leaf. With respect to the sale of the sitios and Caballerias, I ought to represent to your Honor, that they are valued at two dollars per sitio, and one real per caballeria; but as my principal has suffered so much opposition, as the proceedings prove, and his opponents know the necessity he was under to have the lands, on account of his stock (bienes) before mentioned, to which he was greatly attached, having been established in them, it was by a motive of malignity, and to do him an injury as the Justice (Teniente) states, that they bid up the sitios to twenty dollars. This is an extraordinary disproportion, since what they made him pay is, with reference to the price of the valuation, nine times more than the proper price, and it is not permitted even in public auctions, bidders cannot go beyond the highest price, (*i. e.*, fixed at the just valuation). and this is much more true when the affair is effected with bad faith, and a disposition to do an injury to him who buys from necessity, as was the case in the present instance. Wherefore, I pray your Honor that while you are pleased to approve the proceedings had, and the sale made to my principals, you will be pleased also to reduce the price to what will be just, and this, your prudent judgment, will determine, and in this case this cannot be done, (which he hopes will not be the case), my principals will have to pay the lawful amounts of the twenty dollars for the sitios and of the real for the caballerias, which are eleven and a half and fifty-nine sitios in order that the necessary instrument to serve him as a title, and when by virtue of which he can enter into possession of the lands if he should desire it, may be in good time, delivered to him; and as to all this, submitting it to the examination of the attorney of the treasury, (abogado fiscal), I pray your Honor to be pleased to order as I here ask, and I take the formal oath as to all necessary documents, etc.

DR. MANUEL DE GARISNAIN ARANGUTI,
BALTAZAR DE VIDAURRI.

Order.—Mexico, the seventeenth of July, one thousand seven hundred and eighty. To the Attorney of the Treasury, (or of the Government), the Order and Special Judge, has so ordered, as above prayed, and signed with his rubric—marked with a rubric, before me.

JOSE DE MONTABRAN,
Royal and Provincial Notary.

Reply of the Attorney of the Treasury.—The Attorney of the Treasury, upon the examination of these proceedings on the denunciation made by Don José Salvador de la Garza, of the Potrero called that of the Espiritu Santo, in the colony of New Santander, says: That by virtue of the second order, issued for the proceedings under the Royal Decree, (Acudado), the statements of the party and those taken officially, were received in the fifth paper book by which the land was shown (resultó) to belong to the public domain of the Crown, (realonga), and the denunciation having been publicly announced (publicada) on the thirty-first leaf, the actual inspection (vista de ojos) and survey followed, in which it was found (re conoció) that the Potrero contained fifty-nine "Sitios de Ganado Mayor," which were rated at two dollars, besides eleven and a half Caballerias, estimated at a real, at which prices the denunciant made a bid, and public notices having been given, another third party appeared, who made various bids, until on running up to twenty dollars for each sitio, the sale was made to the denunciant himself, without any important defect appearing in the said proceedings, since it is of no moment that the denunciation was published after the testimony had been taken, and though this did not precede the citation of the neighbors, (cer cumrecinos), on account of the distance of their residences they were received for the actual inspection (vista de ojos) and survey, in which they were present, according to the thirty-third leaf, on its reverse, and the following: The matter most worthy of note which appears, (in the proceedings), is the opposition that Don Bartolome Fernandez made on the fortieth leaf, saying that by the line which had been run from the north to the south, some land of his was taken, since his tract ought to extend to a dry well, which had been adopted as a boundary in the surveys made in favor of D. Maria Cavazos; but on notifying him on the reverse of the leaf, to exhibit his titles, he answered that they were in this tribunal, on which account he was given according to leaf fifty-two, a period of three months, counting from the first of September last past, to appear in this tribunal to support his opposition, which he has not done in more than ten, reckoning from that time.

To this it may be added that the proceedings made upon the application of Don Narciso Cavazos are those that begin the first paper book (cuaderno) of these acts, (antos,) in which it appears on the thirtieth leaf, that they ran below the watering place,

(abrevadero) of Don Eugino and Don Bartolome Fernandez, and these (surveys) were disapproved by your Honor on the reverse of the fifty-first leaf, on account of its having appeared that the Denunciant, Don José Salvador de la Garza, has settled (poblado) the Potrero, from the year seventeen hundred and seventy-one, and had denounced it in that of seventy-two, before the Lieutenant General of the Colony, and that various other persons had joined him under his protection, or with his consent, and placed there their stock, among whom was the aforesaid Cavazos, and that the latter, notwithstanding this, denounced almost all the Potrero, giving it the name of Santa Ritas, and after the proceedings required by the Royal decree, (acordado,) had been had, an application was made by the Denunciant, and they were declared of no avail, and ordered to be made again in favor of D. José Salvador de la Garza, who was the first to settle and denounce, whence it follows, that the surveys made upon the application of Cavazos were of no benefit to him nor to Fernandez, who has exhibited no other title, and the more readily, as it may be inferred that he also entered under the protection of the Denunciant, or of some one of those to whom he had granted permission to introduce their stock. It ought also to be observed that the valuation of the Sitio was two dollars for each one; and that on account of the bids they were knocked off to the Denunciant for twenty dollars; on which account he asks the price to be reduced to what the prudent judgment of your Honor may think right, although in case this is not done, he states that he will have to pay the full amount, compelled thereto by necessity, and on this point it is to be noticed that in the fifty-fifth leaf of the fifth paper book, the Commissioner (Comisario,) states that the citizens of the town of Reynosa, to injure the Denunciant, ran up the price to twenty dollars. It also appears by the first paper book on the reverse of the fifty-eighth leaf, and the following, that the said citizens, influenced from that time forth by Don Narciso Cavazos, filed their opposition (opusieron) on the seventy-fourth leaf, to the grant of these lands to Garza, and colluding together, as the Justice (Teniente) of the said town gives us to understand, threw obstacles in his way by preventing the performance of the proceedings required by the Royal decree, until a second order was issued, committing them to the Justice of Camargo. It likewise appears on the reverse of the thirty-fourth leaf of the first paper book, that when the first proceedings were had on the application of Cavazos, each sitio de Ganado Mayor was valued at twelve reals, to which the attorney of the Treasury, (Abogado Fiscal,) ought to add, with the good faith which belongs to his office, that in the Internal Provinces, (provincios internas,) and in distant places, sitios de Ganado Mayor are generally valued at three pieces of twelve reals, or two dollars, or of three or four dollars, and on some occasions at one dollar, and that in the pro-

ceedings under his custody, as to the estate of Carrisitos, in the same jurisdiction, they are rated at two dollars, and in others upon which he is engaged as to lands surveyed between the towns of Reynosa and San Fernando, denounced by D. Antonioda Urizan, the valuation was made at four dollars, by which the attorney of the Treasury does not oppose your Honor's exercising the functions belonging to your office, and reducing the price to the amount which you may think right. Upon consideration of the whole matter, your Honor will be pleased to approve to proceedings had, adjudging or granting by way of sale to the Denunciant, D. José Salvador de la Garza, the fifty-nine "Sitios de Ganado Mayor," and eleven and a-half Cavallerias of the Potrero del Espiritu Santo under the natural outlines (lindoras) which the surveys state (que expressan las medidas,) and ordering that, when the amount which the sale brought, or that to which your judgment may reduce it, is fully paid, and the duty of "Media Annati" satisfied, a report be made with these proceedings annexed to the Royal Audience, for the confirmation if such should be their supreme pleasure, and that after their return, (*i. e.* the proceedings,) the corresponding title be issued. Mexico, and July twenty-second, one thousand seven hundred and eighty.

Licentiate, MARTIN DE ARAMBUM.

Order.—Mexico, the twenty-ninth of July, one thousand seven hundred and eighty. In consideration of these proceedings together with what is asked by the Attorney of the Treasury, I approve the proceedings had, and I adjudge and grant by way of sale (hago adjudicacion y murced per ña al venta,) to D. José Salvador de la Garza fifty-nine "sitios de Ganado Mayor" square leagues, and eleven Caballerias of land, under the natural boundaries (linderos) which the surveys state (que espresan los medidas). And in consideration of the circumstances of the ill designed vexation of the bids that were made, if being apparent that this was done with the intention to injure the Denunciant, by reason of the permanent establishment (radicacion) of his property, (bienes) in the Potrero del Espiritu Santo, and it appearing, as it does appear in this Tribunal by different documents (espedientes) which are here presumed, that the Sitios de Ganado Mayor, in these places are valued and sold the highest at four dollars; I think it proper to reduce the price from that twenty dollars to that of eight dollars; to which sum it amounts by quadrupling the valuation of these citios; and upon the full payment into the Royal Treasury (caja), of this court, of the four hundred and seventy-two dollars, to which this amounts together with the eleven reals, for the eleven caballerias, and their media annata, these proceedings (dutos), shall pass to the Royal Audience for the confirmation of the grant, and when they are returned, notice of it shall be given for the issuance of the title, or whatever may

be fitting. D. Francisco Habio de Gamboa, of the counsel of his majesty, his Oidor in the Royal Audience of this New Spain, and special judge of sales and purchase of vacant and public (realongas) lands, and waters, has thus ordered and signed.

GAMBOA.

Before me:

JOSE DE MONTABRAN,
(*Escribano Real y de Primiera.*)
Royal and Provincial Notary.

Order.—To the Royal officers of the Royal Treasury and chief (Hacienda ya caja) of this Court:

Vallete.—Be pleased to order the receipt of four hundred and seventy-three dollars, three reals, at which Don Francisco Xavier de Gamboa, as special judge of vacant and public (realongas) lands and waters, has made adjudication and grant by way of sale to D. José Salvador de la Garza, of fifty-nine sitios de ganado mayor, and eleven caballerias of land within the limits of the colony of New Santandor, jurisdiction of the New Kingdom of Leon. And this amount shall be placed to a separate account in consideration of what is usual for its remittance to Spain in the customary form, and returning this order endorsed, that it may appear in the proceedings on this subject.

Mexico the twenty-ninth of July, one thousand seven hundred and eighty.

JOSE DE MONTABRAN,
Royal and Provincial Notary.

Endorsement entered on the two hundred and fifty-second leaf (fojas), of the book of orders (villetos), on the third of August, one thousand seven hundred and eighty.

GUERRERO.

Another.—On the third day of August, one thousand seven hundred and eighty, the four hundred and twenty-three dollars, three reals (tomines), which this order mentions, were paid into the royal chest (caja).

MEXIA,
CARILLO.

Certificate.—On the third of August, one thousand seven hundred and eighty, D. José Salvador de la Garza, to whom the special judge of lands has adjudged and granted, by way of sale, fifty-nine sitios de ganado mayor and eleven caballerias, within the limits of the colony of New Santander, paid in reals of this Court eleven dollars six reals and eight grains, which the royal duty of media annata imposed, computed at the half of what at five per centum the amount of four hundred and seventy-three dollars three reals brings, which latter sum he has paid (senido), as appears by the order which, with the endorsement of the royal

officers, remains in this general office of accounts of the said royal duty under my charge.

In testimony whereof, and that it may appear wherever proper, I give the present certificate in Mexico on the said day, month and year.

LASARO DE ARROCETO Y GARZA.

Reply of the fiscal nearly effaced. Very powerful Lord—The only thing which can be found to prevent (uno embaraso) the grant and sale of the lands of the Potrero del Espiritu Santo, deserving the supreme confirmation and approbation of your Highness, is that Don Bartolome Fernandez has not yet been heard as to the opposition he made to a certain place in them; and likewise, that the sale and adjudication (remate) has not been made for the price of twenty dollars, which the bidder, D. José Salvador de la Garza, offered for each sitio, being reduced by your special judge to that of eight dollars, which secured to him their just and true worth; and as to the first point it must be supposed that the said D. Bartolome Fernandez, although required, has not exhibited or shown his titles by virtue whereof he made his opposition, which circumstance persuades us that this opposition was entirely based upon the proceedings and surveys had upon the application of D. José Narciso Cavazos, which, as they were disapproved and annulled, could not give him any right, and this, together with the fact of his not having appeared in the special tribunal, either in the three months assigned to him or in the other seven which have elapsed since, induces a violent presumption that *that* his opposition was malicious and unfounded, and raised (deducida) with the object of hindering and delaying the resolution of the matter to the prejudice, not only of D. José Salvador de la Garza, but also of the Royal Treasury; on which account it is proper that it be neither considered as of moment, nor worthy of such attention as to delay or suspend, on its account, the confirmation; and as to the reduction and abatement of the price of the sitios made by your special judge, although, on the one side it must be considered that the cause of the sale of the said sitios coming to be made as high as twenty dollars, was that D. José Salvador de la Garza had suffered so much opposition, and his opposition and his opponents had learned the necessity he was in of obtaining these lands, on account of his stock having been established in them, so that assured by this circumstance that Garza would not hesitate (repararia) as to the price, by a motive of malignity, and to do him an injury, as the Justice (Teniente) states, they ran up the sitios to twenty dollars, still, on the other side it is to be noticed, that as to the first bid of ten dollars, it cannot be said that there was fraud in it, because this bid is not so much out of proportion with the two dollars, at which the sitios were valued: and this is more evident since (y mas cuando), as the attorney of

the Treasury (Abogado Fiscal) states and the aforesaid order of your special judge supposes, in these provinces the sitios are generally worth two, three or four dollars, the distance from which sum to that of ten dollars is not so great that it can be said to exceed the bounds of justice, particularly if we reflect that things are worth as much as they will bring; on which considerations it is the opinion of the Fiscal (*i. e.* the Attorney General or chief law adviser of the Crown) that it would be proper to abate and reduce the amount of twenty dollars, at which the property was knocked off (se recifico el remtao), to that of ten dollars, which is the mean and at which the first bid was made. Wherefore, your Highness will be pleased, if it should be your supreme pleasure, to confirm and approve the grant and sale made by the Special Tribunal to D. José Salvador de la Garza, of the lands in the Potrero named the Espiritu Santo, under the limits and natural outlines (terminos y linderos) which the surveys state (que espresan las medidas) to do so, with the proviso that he must contribute and pay the other two dollars belonging to each sitio, its price being reduced to that of two dollars, the proceedings being then returned to the said Tribunal, in order that, after the aforesaid payment is made, the corresponding title may be issued to him.

MERINO.

Mexico, October 21st, 1780.

Order.—Mexico, December eleventh, one thousand seven hundred and eighty.

Let it be reported, with the proceedings annexed.

The Regent, VILLARRUTTIA,
Asido Licentiate, FLORES.

Order of the Royal Audience.—In the city of Mexico, on the eighteenth day of July, one thousand seven hundred and eighty-one.

The President Regent and Oiders (Precedente Regente y Oydores) of the Royal Audience of New Spain, having examined the proceedings which the oider, D. Francisco Xavier de Gamboa, Special Judge of lands and waters, has reported as to the denunciation made by D. José Salvador de la Garza of the Potrero, named Espiritu Santo, in the colony of New Santander, in which are comprised fifty-nine sitios de Ganado Mayor and eleven caballerias of land, in order that the adjudication which the said Judge, on the twenty ninth day of July, made of the said sitios and caballerias of land, might be confirmed, reducing the price from twenty dollars, to which the bids that were made ran, to that of eighty dollars, to which it amounts by quadrupling the estimated value of the said sitio, for the reasons which he states in his order; having examined, likewise, the proceedings that were had by order of the said minister for the said adjudication, and what is asked by the fiscal of his Majesty, in his reply of the

twenty-ninth of October, of the same year of eighty, with the other fitting circumstances—Have said that they confirmed, and have confirmed, (confirmaran y confirmaron,) the grant made by way of sale by the aforesaid Special Judge of Lands to D. José Salvador de la Garza of the sitios and caballerias, which his decree of the twenty-ninth of July of the year last past comprehends, with the proviso that the price of each one of them must be paid at the rate of ten dollars, and that, consequently, whatever with respect to this is wanting to complete this amount must be contributed and paid, as likewise the sum of one hundred dollars besides as a contribution to his Majesty for the favor, conferred in excusing him from having to apply to his royal person for the confirmation, in the form provided in the royal order (cedula) of the fifteenth of October, one thousand five hundred and forty; and they likewise ordered, and have ordered, (mandaran y mandaron,) that, for the prompt fulfilment of all, everything respecting this subject be returned to the aforesaid Tribunal of Lands. And so they have decided and signed by their rubrics.

Regenta, VILLARUTTIA,
Acedo, Luyando, JOSE MAXIMO VILLASECA,

This corresponds with its original, to which I refer. I certify.
JOSE MAXIMO VILLASECA.

Order.—To the Royal Officers of the Royal Treasury and Chest of this Court:

Vallete.—Be pleased to order the receipt from D. Salvador de la Garza of a hundred and eighteen dollars on account of the additional two dollars for each sitio of the fifty-nine, which D. Francisco Xavier de Gamboa, Special Judge of lands and waters, has adjudicated and granted to him by way of sale in the colony of New Santander, as is provided by the Royal Audience, and, also, one hundred dollars that the said Royal Tribunal has fixed for the favor of the confirmation; and this amount shall be accounted for separately, in view of what is usual for its remittance to Spain in the customary form; this now being returned endorsed, that it may appear in the proceedings upon this subject.

Mexico, the twelfth of September, one thousand seven hundred and eighty-one.

JOSE DE MONTABRAN,
Royal and Provincial Notary.

Endorsement.—Entered on the reverse of the hundred and seventy-third leaf of the Book of Orders (Villetes), on the thirtieth of September, one thousand seven hundred and eighty-one.

BARRANDEGUEL.

Another.—On the thirteenth of September, one thousand seven

hundred and eighty-one, the two hundred and eighteen dollars, contained in this order, were paid into these Royal Chests (Cajas.)—Mexia.

CARILLO.

Certificate.—On the thirteenth of September, one thousand seven hundred and eighty-one, D. Salvador de la Garza, to whom the Royal Audience of this capital has confirmed the grant, which D. Francisco Xavier de Gamboa, as Special Judge of lands, has made to him of fifty-nine sitios, within the limits of the colony of New Santander, ordering him to pay two dollars more for each sitio on the price for which the grant was made to him, has paid into the Royal Chests of this Court sixteen dollars, five reals, nine grains, which the Royal duty of Media Annata caused, in this form, two dollars, seven temines, three grains, as the half of the income at five per centum per annum of the sum of one hundred and eighteen dollars, the amount of the two additional dollars on the value of the lands, and the remaining thirteen dollars, six termines, six grains, for the favor of the confirmation, as is shown by the order, which, with the endorsement of the Royal officers, remains in this general office of accounts under my charge.

In testimony whereof, and that it may appear wherever proper, I give the present certificate in Mexico, on the said day, month, and year.

On account of the absence of the accountant.

DIEGO DE CAVARRUBIAS.

Continues.—In consideration of the order of the President Regent and Oidors (Precedente Regente y Oidores) of the Royal Audience, and in pursuance of a decree which I made on the tenth of the current month, I have determined to issue these presents, by which, exercising the powers conferred on me by the Royal decree and instructions of the fifteenth of October, seventeen hundred and fifty-four, I declare that I, José Salvador de la Gaza, have complied with what is ordered in it, (*i. e.* the Royal order) and in the name of his Majesty (whom may God preserve) and without prejudice to any third person or community of Indians, I admit him to purchase, I adjudge and grant by way of sale, fifty-nine sitios de Ganado Mayor and eleven Caballarias of land, within the limits of the Colony of New Santanan, and not exceeding its natural boundaries, (linderos) I supply and dispense with any defect of the grant, or of vicious titles, and the defects in his possession of these lands, in order that he may not be obliged either on this account or on any other, to submit to a resurvey (no se oblique a medidas) nor compelled to exhibit any other title to be given him, since I now give him, as ample and sufficient, a title as he may have need of for the property (propriedad) of the said lands, whose fruits, and whatsoever ways (entradas y salidas) uses, customs, and

servitudes it has, or possesses by custom and by law (defuero y derecho) he may enjoy, without excepting or reserving anything from the said D. José Salvador, or whoever may have his title (causa) or represent his rights, with the proviso that he must stock or cultivate them with what they require, in conformity with the ordinances of the kingdom, which treat upon this subject; and that if at any time, the whole, or a part of the said lands is needed for any establishment (fundacion) of a fort, town or place, he must leave what may be thus needed, free and unencumbered, (libro y desimbarasado) on being paid what it may be worth at the time. (payandole lo que a la sazon valiero). With which provisoes let them (*i. e.* the lands) be his and his heirs and successors, as held and acquired by their own and a legitimate title of property, which is these presents. And I order the Justice of that province, that whenever the aforesaid D. José Salvador de la Garza may ask it, he shall give him entry, and put him in possession of the said lands on the citation of the adjacent proprietors, notwithstanding any opposition, and without allowing any diminution of his rights (in causa despojo alguno) and that the said Justice shall not consent that he be deprived of the possession given him without being first heard according to custom and law, delivering to him, when this is done (veneido) the proceedings which may be had in continuation of this title, as a protection of his rights. Mexico, the twenty-sixth of September, one thousand seven hundred and eighty-one,—interlined—fifty-one—incorrect—crossed out; exhibitan, fifteen, of the Province; thirty and incorrect.

DON FRANCISCO XAVIER DE GAMBOA.

By order of the Oidor and Special Judge,
JOSEPH DE MONTABRAN,
Royal and Provincial Notary.

(Fees, sixty dollars, including paper and writing, and no more, upon my oath, (ari lo juro) a rubric.)

Your Honor admits to purchase, adjudicates and grants by way of sale, fifty-nine sitios or Ganado mayor and eleven caballerias of land within the limits of the colony of New Santander, to D. José Salvador de la Garza in consequence of his having paid into the Royal Chest of this Court, the amount of their price, the favor of the confirmation, and the media annata charged to him, etc.

On the last page.—Mexico, September, twenty-sixth, one thousand seven hundred and eighty one. Title of purchase, adjudication, and grant of fifty-nine sitios de Ganado Mayor, and eleven Caballerias of land beside, made by the Special Judge of this kingdom, and confirmed by the Royal Audience in favor of D. José Salvador de la Garza, citizen of the town of Camargo, within the limits of the colony of New Santander, etc

On the outside page of the old title:

Mexico, September 26, 1781.

Titles of lands in the potrero named that of Espiritu Santo margins (margines) af the Lagunes of the sea of the Gulf of Mexico, acquired canquistodos by D. José Salvador de la Garza, resident citizen of the town of Camargo, in the year 1781.

Bill of Exceptions, (continued).

Tally, called and sworn as a witness.—Has been a practical surveyor in Texas and the United States. If a tract of land is bounded as follows: beginning at a point A, thence running east 584 cordeles to a point B, thence north 993 cordeles to a point C, thence west 309 cordeles, thence south, and thence west, and thence south again 725 cordeles to the point A, so that by these three last courses the figure shall be completed, then such a tract will contain forty-eight leagues of land and $\frac{17}{25}$ of a league, about.

Bill of Exceptions, (continued.)

Tipton Walker, called and sworn:—Has been a practical surveyor in Texas. If a line drawn from the place designated on the map, in evidence, referred to as "El Tanque," 584 cordeles west, to the Rio Grande, there will be comprehended between it and the river, not over nine leagues of land, according to the scale of the map, at the outside—probably less. The map is correct, as witness knows from other surveys.

The plaintiffs then offered in evidence depositions of José Munez de Carceras, Antonio Cavales, Jesus Cardenas from Victoria, Deposition de bene esse of S. Southmayd—and a copy of deed from Mussina to Southmayd. And this was all the evidence introduced by the Plaintiffs.

DEPOSITIONS FROM VICTORIA,

(Of Carceras, Canales, and Cardenas.)

The other depositions contained in this package from Victoria appear in another part of this record.

JAMES LOVE, *Clerk.*

A la trece dias del espresado mes de Noviembre presente en su estudio el Señor Licenciado José Nuñez de Carceras su merced le recebio juremento en legal forma de derecho bajo el cual afrecio desir verdad en lo que fuere preguntado. Se impuso en seguida del interrogatorio de preguntas que le hacen los demandadores de Don Simon Mussina y

A la primera dijo: Que conoce á Don Rafael Garcia Cavazos y

á su esposa Doña Maria Josefa Cavazos: que en cuanto á Doña Estefana Goseascochea de Cortina la ha oido nombrar, pero que no la conoce personalmente, y que respecto de D. Simon Mussina, es la primera vez oye su nombre.

A la segunda: Que actualmente es Senador electo por el Estado al Congresso-General de la Union, y que ha sido diputado en la Legislatura del propio Estado donde el año de mil ochocientos cuerenta y ocho.

A la tercera: Que es abogado recibido y en ejercicio de los tribunales de la federacion Mexicana.

A la cuarta: Que la forma de proceder al hacer concesiones de tierras con arreglo á la ley de colonizacion publicada el año de mil ochocientos veinte y seis era la siguiente que el denunciante ó pretendente de terrenos valdios presentaba solicitud por escrito bien al Juez territorial ó directamente al Gobierno Superior del Estado: Que en arribos casos semandaba medir el terreno denunciado previa citacion de colindantes: se nombraban agrimensor y peritos para las medidas, practicandose las diligencias neserarias para saber la cantidad de terrenos y valuandose este para enterar su importe en la Tesoreria del Estado: que intrudido el espediente en esta forma, se llebaba al Gobierno, el cual aprobara todo lo practicado por el Juez de medido selo encontraba arreglado á la ley y se expedia al concesionario ó agraciado el titulo correspondiente de propiedad y adjudicacion para qne el Juez ó alcalde territorial le pusiere enposecion del terreno mercedado.

A la sesta dijo: Que para contestar á ella necesita esplicar qne el verbo Ingles *was* esta traducido *fué* cuando no debe ser en el casa preterito perfecto, sino imperfecto á saber *era*. Lo mismo sacado con el tiempo compuesto *had been* que se ha traducido *ha sido*, cuandono debe ser sino *habia sido*. De este trastorno resulta que la pregunta como suena en castellano parcee dirijida á inquirir la epoca ó año en que el gobierno expedido el titulo de propiedad al denunciante: pero la misma pregunta en Ingles tiene distinto objeto pues se contrae á inquirir ó aberiguar en que casos se espedia por el Gobierno *titulo directo* de propiedad al denunciante, cuando este habia obtenido primeramente la posecion por el Alcalde. Con esta rectificacion no es dificil contestar la pregunta manifestada, que en todos los casos en que algun poceedor de tierras valdias bien tubeira la pesecion dehecho bien con licencia de un Alcalde decuvria al Gobierno haciendo formal denuncia para que sedividiera el terreno y sele expidiere titulo *directo* en debida forma, se mandaba por el mismo Gobierno formar su espediente intractivo con arreglo á la ley y concluido y aprobado llegaba el caso de la espedicion del titulo directo. Que tal titulo era valdio y usual, como expedido por autoridad competente, y que aun la posecion anterior era considerada por la ley como bastante paradar la preferencia al poceedor, en el caso de que

otra persona pretendian denunciar y obtener la propiedad ó adjudicacion del mismo terreno.

A la septima dijo: Que el objeto de medir los terrenos por linias bajo el Gobierno Español era para determinar sus linderos esteriores y al mismo tiempo para calcular la tierra ó cantidad de tierra que importaba la correcion para que el valor de ella se pagara por el coneccionario al Gobierno.

A la octava espuso: Que por algunos expedientes de medidas antiguas, que ha tenido oportunidad de examinar, y á como Fiscal del Gobierno, yá como Abogado particular, esta convencido de que los Agrimensores antiguos no eran muy peritos en su oficio y que cuando el terreno presentaba alguna irregularidad continuaban la medida por los lugares mas cómodos y existen

Sello Cuarto: Un Real. Años de mil ochocientos cuerenta y ocho y mil ochocientos cuerenta y nvevo.

muchos expedientes en que consta que despues para hacer el calculo de la cantidad del terreno incluiar tambien la parte irregular ó escabrera por una regulacion aproccimada y de este mado que daba fijada la cercas aunque no con mucha esactitud, pues en las diligencias de medidas lo que procuraban señalar los antiguos Agrimensores era los linderos exteriores.

A la nona y ultima dijo: Que se refiere á lo que tiene manifestado al absolver la pregunta relativa del anterior interrogaterio.

Le unpuso asi mismo del interrogatorio al traber presentado por la parte demandado Don Simon Mussina y.

A la primera re-pregunta dijo: Que se refiere en un todo á lo que tiene manifestado Acerca de los tramites y formiladasas que previene la ley colonizacion del año demil ochocientos veinte y seis, que concluido el espediente de medidas al Gobierno tocaba aprovar todo lo practicado si se habian observado diebas formaldados que los Alcaldes ó Juez territoreales daban las posecion de concesionario la vista de la merced otorgado por el Gobierno que algunas veses tomaban posecion de un terreno algunos personas con anuencia del alcalde cuando manifestaban que intentaban denunciar la tierra ante el Gobierno, pero que esta posecion anticipada no confiera derecho de propiedad ni el Alcalde estaba

Sello Cuarto. Un Real. Años de mil ochocientos cuerenta y ocho y mil ochocientos cuerenta y nueve.

autorizado para declara y la merced ó adjudicacion, sino que el interesado debia occurir al Gobierno para la practica del expediente instructivo y perfecionar de este mado el derecho de adquicicion; y que el Gobierno nunca ha manifestado repugnancia en hacer concesiones de terrenos valdios.

A la segunda dijo: Que el objeto de la medida tanto por las leyes españolos como de Mejico, determ:ar la cantidad de terreno

que iva á mercedado al denunciante, y que este objeto no solamente comprendia el señalamiente de los limites esteriores, sino tambien la determinacion de la cantidad de tierra que debia pagar el concesionario.

A la tercera dijo: Que ya tiene manifestando que en varias medidos practicados por los Agrimensores antiguos no hay una exactitud matematica, pues solamente se hace mencion de los linderos exteriores y la arca del terreno se calculaba aproccimadamente, tomando por base las lineas que efectivamiente se tiraban é nicluyendo despues la cantidad que se ascia contenida en la parte de terrenos que presentaba dificultad al tiempo de la mensura. Y afirmadose y ratificándose en todo lo espuesto firmo con su merced esta declaracion, por ante mi de que doy fé. Tertado—que la firma deproceder—No vale.

JACOBO MARTZ,
JOSE NINEZ DE CARCERES.

Ante mi,
CEPO. GUERRERO.

En la misma ciudad y á los quince dias del mes referido de Noviembre presente en su casa el Señor Deputado Lic'do Don Antonio Canales, presto ante el Senor Juez juramente por Dios Nuestro Señor y una señal de Cruz bajo el cual ofrecio decir verdad en la que fuere preguntado y siendale al tenor del interrogatorio de preguntas que le hacer las demandadores de D. Simon Mussina á la

Primera de que se le impuso dijo: Que conoce á los citados demandadores y no al demandado.

A la segunda: Que ha sido Agrimensor general del Estado desde mil ochocientos treinta y uno hasta la fecha; que en ese mismo año fué diputado en la Legislatura del mismo Estado hasta mil ochocientos treinta y tres que fué nombrado Senador al Congreso General de la Mirion que en ochocientos cueranta y seis volvió a ser dicto Diputado a la propia Legislatura en cuyo empleo permanese hasta la fecha.

A la tercera: Que es Abogado recibiedo y en ejereicio en los Tribunales de la Federacion Mejicana.

A la cuarta: Que la forma de proceder al hacer concesiones de tierras con arreglo á la ley de colonizacion sancionada en quince de Deciembre do mil ochocientos veinte y seis, era la siguiente: denunciade el terreno por escrite ante el Juez de la jurisdiccion á donde pertenecia el terreno ó direclamente ante el Gobierno del Estado, en uno y otra caso se mandaba practicar la medida del terreno denunciado con previa citacion de los colindantes; se nombrada agrimensor y peritos para las medidas, las cuales concluidas se hacia el calculo para saber la cantidad de terrenos y estos se valuaban para enterarse su imposte en la Tesoreria del Estado y todo este se hacia constar en el espediente que al efecto

se instruia y se elebava al Gobierno para su aprabacion si estaba areglado a la ley y en tal casa se expedio al denunciante del terreno el correspondiente titulo de adjudicacion y propiedad y se prevencia al Juez ó Alcalde Territorial le pusiera en posecion dal terreno que se le concedia.

A la sesta: Que antes de la expedicion del titulo directo los Alcaldes no podian poner en posecion formal á ningun denunciante y lo mas que en algunos casos les era permitedo hacer, estaba reducido á otorgar licencia para poscer cuyo acto debidamente comprovado servia al interesado para fundar el mejor derecho que tenia para obtener en propiedad aquel terreno sobre cualquiera otras ciudadano que á la vez lo pidiere, y esta es la rason por que, estuviera ó no, en posecion el denunciante, siempre se practicaban las mismas diligencias que se han de tal todo en la respuesta anterior para la espedicion del titulo *Directo* sobre el terreno que se le habia concedido.

A la septima: Que el objeto de medir los terrenos per lineas bajo el Gobierno Español ha sido determinar sus limites y linderos asi como calcular la arca ó cantidad de tierra á que ascendia la consecion, pues con proposicien al numero de sitios que las lineas medidas demarcaban, asi era el valor que se enteraba en Tesoreria segun el justiprecio que de cada una de ellos se habia hecho.

A la octava: Que por la comun los antiguos agrimensores cuando el terreno los presentaba alguna irregularedad para continuar las lineas y darles toda la longitud que se praponian se retiraban de aquel inconveniente tomando otra linea que formula angulo recto con la anterior, que esta la continuaban hasta que calculaban y salvar la incomodidad y entonces volvian á tomar el propie rumbo incluyendo despues la parte contenida en aquella dificultad segun la arca que daba la figura cuya bace esta cualquiera de las dos lineas que median.

A la nona y ultima: Que no sabe otra cosa.

Fué interrogada en seguida al tenor de las re-preguntas que le hace el demandado Don Simon Mussina y

A la primera dijo: Que segnn lo que tiene espuesto se conoce claramente cuales eran los tramites y formalidades que la ley de colonizacion de mil ochocientos veinte y seis (y no de mil ochocientos y cinco segun se dice en la pregunta pues no hay uniguna de estaepoca) estabecia para obtener cualquiera concesion de tierra y este era el metodo general que se ha observado pues si faltaba algun requisito de las prevenido en dicha ley. El Gobierna mandaba subranar aquella falta antes de prestar su aprobacion al espediente de proceder a la espedicion del Titulo directo que los interesados les presentaban podian dar posecion en debida forma

Sello Cuarto.
Un Real.

Años de mil ochocientos cueranta y ocho y mil ochocientos cueranto y nueve.

pues sin este documento lo que algunas veses hacian era permitirles que poseejeran el terreno que denunciaban mientras practicaban las diligencias necesarios para conseguir el titulo cual por ninguna ley ni en ningun eventos han estado autorisado los Alcaldes para darlo, pues esta era atribucion esclusiva Gobierno y cumplia con ella generalmente hablando con prontitud y sin repugnancia.

A la segunda: Que el objeto del de la medida tanto por las de Mejico, ha sido determinar la cantidad de terreno que se pedia señalar sus limites exteriores y saberse la suma que el denunciante debia pagar conforme al numero que comprendia, pues solo con estos datos podio determinarse en el titulo la cantidad de tierra que se le concedia.

A la tercera y ultima: Espuso: Que los Agrimensores Antiguos practicaban sus medidos de tierras segun se ley prevenia la ordedanza de tierras y aguas y el cistema que observaban era unifurme y procuraban dar siempre á los terrenos una figura regular que cuando se los presentaba algun inconveniente yá deja manifestado el metado que usaban para salvarlo

Sello Cuarto. [LD.] Años de mil ochocientos, cue-
Un Real renta y ocho y mil ochoci-
entos cuerenta y nueve.

y calcular la cerea del espacio que quedaba entre la tirrea que tiraban y el inconvenimente que endcotraban, y el limite del terreno nueva en esos casos las lineas medidas y que les serviran de hace paro sus calculos sino la orilla de las Lagunas ó montes que les estobaran continuarla. Si afirmó y ratificó en lo espuesta leida que le fué esta declaracion, y la afirmó con el Señor Juez por ante mi de que doy fé.

Sie. ANTONIO CANALES.

JACOBO MARTZ.
CIP'O GUERRERO.

Victoria, y en el espresado dia quince de Novembre de mil ochocientos cuerenta y nueve.

Agreguese la contestacion que ha dado el Ex'ino Señor Gobernador al interrogatorio de preguntas de los demandadores y designarle nuevo ofiicio con inversion de las repreguntas que lo hace el demandado Don Simon Mussina con suplica tambien de que se oigue abrolocalas cuya contestacion se agregará asi mismo para que obre. Lo provejo y firmó el Señor Juez en terreno de Va. Instancia del departamento del cuatro del Estado de Tamaulipas por ante mi el Escribano doy fé.

JACOBO MART'Z.

CIP'O GUERRERO.

Se agrega á continuacion como se manda, la nota del Ex'mo Señor Gobeanador del Estado fecha catoree del presente mes de

Noviembre en que contesta las preguntas de los demandadores doy fé.

GUERRERO.

En seguida de la nata que espresa la anterior razon se halla agregada de otra del mismo Señor Gubernador fecha diez y seis en que contesta las repreguntas del demandado Don Simon Mussina Mussian, doy fé.

GUERRERO.

Sello Cuarto.
Un Real.

Años de mil ochocientos cuerenta y ocho y mil ochocientos cuerenta y nueve.

Impuesto de la nota de Vds de ayer en que mi insesta el interrogatorio que hace el personero de Dn. Rafael Garcia Cavazos y otras individuos demanda civil que tienen, contra Dn. Simon Mussina sobre la propiedad de unos terrenos para presentar una repuestas como porlo de sus pruebas, dijo á Vds, no contestacion pr. via informe, pues de otra manera no podua ser.

A la primera pregunta: Que conoce de vista trato y communicacion á Dn. Rafael Garcia y á su esposa Da. Maria Josefa Cavazos, para que desde conocer á Da. Estefana Goseascochea de Cortina y que no conocio absolutomente á Dn. Simon Mussina.

A la segunda pregunta: Que Gobernador Constitucional de este Estado, y que he sido Deputado á las legislaturias de 1835 y 1847.

A la cuarta: Que ne ecciste ley de colonozacion del Estado de Tamaulipas publicada en 1835.

A la sesta pregunta: Que se espedida titulo de propiedad por el Gobierno del Estodo á favor del denunciante de un terreno valdio, conforme á la ley de 15 de Diciembre, de 1826, despues de haberse medido las tierras y de no haber resultodo oposicion alguna de proprietario de mejor derecho ó decedidose por les tribuneales el civil ordenario de propiedad á que decia lugar el denuncio pues la posicion del Alcalde cree puramente provisional mientras el gobierno concedio titulo en forma.

A la septima pregunta: Que el objeto de medir las terrenos era y es todavia conocer su estencion superficial y sus linderos y mohones tanto para el pago del valor de la tierra cuanto para evitar litigios.

A la octava: Que la practica de los Agrimenseres que repartieron las (Agrimensores) tierras fué tirar lineas, rectas, sin levantar planos geometricamente y que solo median las lineas que formaban la periferia demohon á mohon espresado Solamente el Camino ó Lindero que se quiere.

A la nona y ultima pregunta: Que iquiere el asunto sobre que tierra la Cuestion y no puedo informar otra causa.

Dios y Libertad, C. Victoria, Noviembre 14, de 1849.

JESUS CARDENAS.

SNR. JUEZ DE VA. INSTA.
DEL CEUTRO.

Enterado por la nota de Vds, f'ha de ayer en que mi incerta el interrogatorio presentado por Dn. Simon Mussina para que declara conforme á el en la demanda que le han puesto sobre propiedad de un terreno Dn. Rafael Garcia Cavazos para presentar mi respuestas como parte de prueba para á informa de V.

A la primera: Que no existe ley Alguna de 1825, y que la de 15 de Deciembre, 1826, demarca la sedula de las procedimentos, que se seguian para las colonizaciones de tierras, que segun la misma ley los Alcaldes admitian los denuncios y acompañadas de un Agrimensor median el terreno valdio y penian en posecion de el al denunciante hasta que el Gob'o espedia el titulo en forma y se daba posecion solemite, y que el Gobierno no daba tales titulos con repugnancia por que era en cumplimiente de la ley lo que tenia por objeto Colonizar las terrenos valdios.

A la segunda pregunta: Del interrogatoria al traves informaro que tanto las leyes de la monarquia como las de la Republica, han tenido por objeto la poblacion y cultivo de los terrenos como puede verse en lo codigos seguientes y que corresponde á pagos habia ademas de las concesiones gratuitas y se hecieron á los pobladores otras á moderada composicion q. se hacian a los denunciantes de buena fé y que tambien se venraraban en basta publica los terrenos que posecian algunas sin legal, cuya valor ingneaba en las derias publicas.

A la 3a.: Que acerea de las medidas tengo informado la q. se practicaba en el particular. Dijola á Vds en contestacion á su nata citada.

Dios y Libertad.
Vic'a, Nov'r 16, de 1849.

JESUS CARDENAS.

L. Juez de Va. Instancia,
del D. del centro.

On the envelope.

REPUBLICANA MEXICANA,
ESTADA DE TAMAULIPAS.

Requisitorias que el Jusgado de Va.·Insta. del departmento del Centro de dicho Estado devuelve diligenciados á la Corte de Distrito para el Distrito de Texas de las E. E. V. V., las cuales son relativas al precio civil qne D. Rafael Garcia Gavazos y otras, siguen en dicha Corte, contre D. Simon Mussina, sobre terrenos.

Translation.

On the thirteenth day of the said month of November, the Licentiate D. José Nunez de Carceres being present in his study, his Honor administered to him the oath in the legal form, under which he declared that he would speak the truth as to all which he might be asked. He was immediately informed of the interrogatories which the plaintiffs against D. Simon Mussina made to him; and

To the 1st, he said: That he is acquainted with D. Rafael Garcia Cavazos and with his wife, Doña Maria Josefa Cavazos; that as to Doña Estefana Goseascochea de Cortina, he has heard her spoken of, but does not know her personally; and with respect to D. Simon Mussina, this is the first time that he has ever heard his name.

To the 2d: That at the present time he is Senator elect for the State in the General Congress of the Union; and that he has been a deputy in the Legislature of the said State from the year one thousand eight hundred and forty-eight.

To the 3d: That he is a lawyer, (abogado,) admitted and engaged in practice in the tribunals of the Mexican confederation.

To the 4th: That the form of proceeding in making grants (concesiones) of lands in conformity with the law of colonization, published in the year one thousand eight hundred and twenty-six, was the following: the denunciant or claimant of vacant lands presented a petition in writing, either to the Judge of the District in which the lands lay, (Juez Territorial,) or the Supreme Government of the State; in both cases an order was made to survey the land denounced, having given a previous citation to the neighboring proprietors, (colindantes;) a surveyor and experts (peritos) were appointed for this survey, and the necessary proceedings were had to ascertain the quantity (quantidad) of the lands; and this was appraised, in order that its amount might be paid into the treasury of the State; and the transcript of the proceedings (expediente) having been drawn up in this form, it was dispatched to the Governor, (al Gobierno,) who approved all that had been done by the Judge superintending the survey, if he found it in conformity with the law; and the corresponding title of property and adjudication (titule de propiedad y adjudicacion) was issued to the grantee or beneficiary, in order that the Judge or Alcalde of the District (Juez ó Alcalde Territorial) might put him in possession of the land granted, (mercedado.)

To the 6th, he said: That in order to reply to this interrogatory, it is necessary to explain, and the English word *was* is translated *fué*, when it ought to be (not) the preterite, perfect, but the imperfect tense, that is *era;* the same mistake occurs in the compound tense: *had been* is translated ha sido, when it ought to be *habia sido.* By this transposition, it results that the interrogatory

as it stands in Spanish, appears to be directed to inquire the time or year in which the government issued the title of property to the denunciant; but the same question in English has a different object, since it is limited to inquiring in what cases a *direct title* of property was issued by the government to the denunciant, when the latter had before obtained possession through the alcalde. With this correction, it is easy to answer the interrogatory by stating, that in all cases in which the possessor of vacant lands, though he may have the possession in fact, even with permission of the alcalde, shall apply to the government, making a formal denunciation that the land may be surveyed, and a *direct* title in due form issued to him; an order is made by the said government to take the initiatory proceedings, and prepare the transcript thereof, (formar expediente el instructiro,) in conformity to the law, and, when this has been concluded and approved, a case is made for the dispatch of the corresponding title; that this title is valid and customary, as being issued by a competent authority; and that even the former possession was considered by the law as sufficient to afford a preference to the possessor, in case any other person set up a right to denounce and obtain the property or grant of the same land.

To the 7th he said: That the object of surveying lands by lines under the Spanish Government, was to determine its exterior boundaries, and at the same time to calculate the area or quantity of land that the grant amounted to, in order that its value might be paid by the grantee to the Government.

To the 8th, he declared: That he has been satisfied, by some old records (Espedientes) which he has had the opportunity of examining, both as Fiscal of the Government, and as a private lawyer, that the old surveyors were not very skillful in their art (oficio), and that when the tract of land presented any irregularity, they continued the survey by the most convenient points, and there exists many records (espedientes) in which it appears that afterwards, in order to make the calculation of the quantity of the land, they include also the irregular or uneven part, by an approximate estimate, and in this way the area was fixed, though not with much exactness, since in the proceedings upon surveys, what the old surveyors most attempted to designate was the exterior outlines (era los lindoros exteriores).

To the 9th and last, he said: That he refers to what he has stated in answering the corresponding question in the former set of interrogatories.

He was also informed of the cross-interrogatories presented by the defendant, Don Simon Mussina, and

To the 1st cross-interrogatory he said: That he refers in every particular to what he has stated about the proceedings and formalities which the law of colonization of the year one thousand eight hundred and twenty-six prescribes; that where the trans-

cript or record (espediente) of the proceedings on the survey is finished, it belongs to the government to approve all that has been done, in case the said formalities have been observed. That the Alcaldes or District Judges (Jucas teritoriales) give possession to the grantee in conformity (en vista do) with the grant made by the government; that sometimes some persons were allowed to take possession of a tract of land, with the consent of the Alcalde, when they declared that they were denouncing the land before the government, but this anticipated possession did not confer a right of property, nor was the Alcalde authorized to declare (para declarar) the grant or judication, but the interested party must apply to the government in order to have made (para la practica) the initiatory proceedings, and perfect in this way the right of acquisition, and that the Government has never shown any reluctance or made any objection or difficulty in making grants of lands.

To the 2d, he said: That the object of the survey, as well by Spanish laws as by those of Mexico, was to determine the quantity of land which was to be granted to the denunciant, and that this object not only included the designation of the exterior boundaries (lunites), but also the determination of the quantity of land for which the grantee was to pay.

To the 3d, he said: That he has already stated that in various surveys made by the old surveyors, there is not a mathematical exactness, since mention is only made of the exterior outlines (linderos) and the area of the tract of land was calculated approximately, taking as the base the lines which were actually run, and afterwards including the quantity which was thought to be contained in the part of the tract which presented a difficulty at the time of the measurement. And confirming and ratifying all that has been stated, he signed with his hand this deposition before me; which I certify.

JACOBO MARTZ.

JOSE NUNEZ DE CARCERES.

Before me:

CIP'O GUERRERO.

On the fourteenth day of the said month of November, the official note ordered in the decree affixed to this writing was sent to his Excellency, the Governor of the State, together with the interrogatories, and a prayer that he would be pleased to answer them. I certify.

GUERRERO.

In the same city, and on the fifteenth day of the aforesaid month of November, the Deputy Licentiate, D. Antonio Canales, being present in his house, took before the Judge, the oath by God our Lord, and the sign of the Cross, under which he declared he

would state the truth as to what he should be asked, and being interrogated according to the tenor of the interrogatories which the plaintiffs against Don Simon Mussina make to him, to the

1st of which he was informed, he said: That he was acquainted with the aforesaid plaintiffs, and not with the defendant.

To the 2nd: That he has been Surveyor-General of the State from the year one thousand eight hundred and thirty-one, to the present time; that in the former year he was Deputy in the Legislature of the same State, and so remained until one thousand eight hundred and thirty-three, when he was appointed Senator in the General Congress of the Union; that in eighteen hundred and forty-six he again became (he was again elected) Deputy in his own Legislature, in which station he has remained up to the present time.

To the 3d: That he is a lawyer, admitted and in practice, in the courts of the Mexican Confederacy.

To the 4th: That the form of proceeding in making grants of lands in conformity to the colonization law, sanctioned on the 15th day of December, one thousand eight hundred and thirty-six, was the following: The tract of land having been denounced by a written petition before the Judge of the jurisdiction (or district) to which it belonged, or before the Judge of the State, in either case, an order was made to execute the survey of the tract of land denounced, having previously cited the adjoining properties, (Colindantes), a surveyor and experts were appointed for the survey, and upon the conclusion of this survey, a calculation was made of the quantity of land, and its value was estimated in order that its amount might be paid into the Treasury of the State. All this was made to appear in the record of the proceedings (expediente) which for this purpose was drawn up and forwarded to the Governor (Gabierno) for his approval, if it was in conformity to the law, and in such case the corresponding title of adjudication and property were issued to the denunciant of the tract of land, and the Judge or Alcalde of the District was ordered to put him in possession of the land granted to him.

To the 6th: That before the issuing of the direct title, the Alcalde could not place in formal possession any denunciant, and the most that they were permitted to do in some cases, was limited to granting permission to take possession, which authority properly authenticated, was of service to the interested party, in establishing the preference he had to obtain that tract of land in full property, over any other citizen who might apply for it at the same time; and this is the reason that whether the denunciant was or was not in possession, the same proceedings were always had that have been set forth in the foregoing answer, to secure the issuance of the *direct* title in the proper form; that this title was not only customary, but necessary to establish property, or direct dominion in the land that had been granted.

To the 7th: That the object of surveying the tracts of lands by lines under the Spanish Government, was to determine their limits and outlines, (linderos), as well as to calculate the area or quantity of land, to which the grant amounted, since in proportion to the number of sitios that the measured lines marked (demarcaban) was the value or amount paid into the Treasury, according to the estimate which had been made of each of them.

To the 8th: That generally the old surveyors (antiquos agrimenseres), when the tract of land presented any irregularity in continuing the lines, and giving the entire length, which they intended made an effect (se retiraban) from that obstacle or difficulty (aquel inconveniente), by running another line, forming a right angle with the former, they continued this until they estimated that they had cleared the difficult place (la incomo didad), and then they again took the first course, including afterwards the part comprised in that difficult portion (aquella difficultad), according to the area of the figure whose base was either of the two lines which they had run.

To the 9th and last: That he knows nothing more.

Thereafter he was interrogated according to the tenor of the interrogatories that the defendant, D. Simon Mussina, makes to him, and

To the 1st, he said: That it may be clearly seen by what he has stated what were the steps and formalities, which the colonization law of one thousand eight hundred and twenty-six (and not of one thousand eight hundred and twenty-five, as is stated in the interrogatory, since there is none of that date) established, in order to obtain any grant of land, and this was the general method since, if any requisite of those provided in the said law was wanting, the Governor ordered that defect to be supplied before giving his approbation to the proceedings, and providing for the issuance of the title; that the Alcalde, by virtue alone of the direct title which the interested parties presented to them, could give them possession in due form, but what they sometimes did, without this document, was to permit them to continue in possession of the land which they were denouncing, whilst the necessary proceedings were going on to obtain the title, which (*i. e.* the title) the Alcaldes were authorized in no manner nor on any account to give, since this was the exclusive province of the Governor, who exercised it, generally speaking, with promptitude and without repugnance (repugnancia).

To the 2d: That the object of the survey, as well by the Spanish laws as by those of Mexico, has been to determine the quantity of the tract of land which was sought by the petitioner (que se pedia) to designate its exterior boundaries, and to know the amount which the denunciant was to pay, according to the number (of sitios) which it contained, since only by these data could the quantity of land that was granted be fixed in the title.

To the 3d and last, he stated: That the ancient surveyors made their surveys of lands according to the directions which the *ordenanza* of lands and waters prescribed to them, and the system which they observed was uniform, and they attempted always to give to tracts of land a regular figure; that when any difficulty (inconveniente) presented itself to them, the method which they employed to avoid it, and to calculate the area of the space contained below the line which they ran, and the difficulty which they met has already been mentioned; and that the boundary of the tract of land in those cases was not the lines run (las lineas medidas), and which served them as a base for their calculations, but the shore of the Laguna or edge of the timber or mountains (la orilla de la laguna ó montes) that prevented their continuing it. This deposition having been read over to him he confirmed and ratified all that is stated in it, and signed it with the judge before me, which I attest.

LIO. ANTO. CANALES.

JACOBO MARTZ,
CEPO. GUERRERO.

Victoria, and on the said fifteenth day of November, one thousand eight hundred and forty-nine.

Let the answer which his Excellency, the Governor, has given to the interrogatories of the plaintiffs be annexed, and let a new note be addressed to him, including the cross interrogatories which the defendant, D. Simon Mussina, makes to him, with a prayer also that he would be pleased to answer them, and let his answer be likewise annexed that it may appear. The judge in turn of the First Instance of the department of the centre of the State of Tamaulipas, has thus ordered and signed before me, the notary, which I certify.

JACOBO MARTZ.

CEPO. GUERRERO.

There is added in continuation, as is ordered, the note of his Excellency, the Governor, under date of the fourteenth of the present month of November, in which he answers the interrogatories of the plaintiff. I certify.

GUERRERO.

After the note mentioned in the foregoing statement is added, another from the Governor, under date of the sixteenth, under which he answers the cross interrogatories of the defendant, D. Simon Mussina. I certify.

GUERRERO.

Having read your note of yesterday, in which you address to me (*i. e.* forward to me) (mi inserta) the interrogatories made by the attorney of D. Rafael Garcia Cavazos and other persons, in the civil suit which they have against D. Simon Mussina, upon

the question of title to certain lands, in order that I may present my answers as part of their testimony, I reply, by way of official statement (informe), since I can do so in no other way.

To the 1st interrogatory: That I know by sight, conversation and intercourse, D. Rafael Garcia Cavazos and Doña Maria Josefa Cavazos, his wife, but that I do not think I know Doña Estefana Goseascochea, and that I am absolutely unacquainted with D. Simon Mussina.

To the 2d interrogatory: That I am Constitutional Governor of this State, and that I have been deputy of the Legislature of 1835 and 1847.

To the 4th: That there is no consideration Law of the State of Tamaulipas, promulgated in 1835.

To the 6th interrogatory: That a title of property was issued by the Governor of the State in favor of the denunciant, of a vacant tract of land, in conformity with the law of December 15th, 1826, after the land had been surveyed and no opposition had been made on the part of a proprietor with a better claim, or where the ordinary civil judgment on the right of property, which the denunciation might occasion, was abandoned; and the possession given by the Alcalde (la posecion del Alcalde) was purely provisional, whilst the Executive granted a title in due form.

To the 7th interrogatory: That the object of surveying tracts of land was, and still is to ascertain its superficial area and its boundaries and corners, as well for the payment of the value of the land, as in order to avoid litigation.

To the 8th: That the practice of the surveyors who divided lands, was to draw straight lines, without making plats geometrically correct (sui levantar planos geometricamente), and that they only measured the lines which formed the periphery from corner to corner, stating only the path or line which they actually run (expresando solemente el comino ó Lindero que se quain).

To the 9th and last interrogatory: That I am ignorant of the subject upon which the controversy (*question*) turns, and that I cannot state anything else.

God and Liberty, C. Victoria, November 14, 1849.

JESUS CARDENAS.

To the Judge of the }
First Instance of the Centre. }

Having read your note under date of yesterday, in which you communicate to me the interrogatories presented by Don Simon Mussina for the purpose of obtaining my deposition in the suit brought against him for the title to a tract of land by D. Rafael Garcia Cavazos, in order to present my answers as part of the testimony, I state to you:

To the 1st: That there is no law of 1825, and that of the 15th

of December, 1826, defines the result (or sums up) the proceedings which were pursued for the colonization of lands; that according to the same law, the Alcaldes admitted denunciations, and, accompanied by a surveyor, surveyed the vacant land, and put the denunciant in possession of it, until the Governor issued the formal title, and solemn possession was given, and that the Governor did not give such titles with repugnance, because it was in fulfilment of the law, which had as its object the colonization of the vacant lands.

To the 2nd interrogatory: That the laws of the Monarchy, as well as those of the Republic, have had as their object the settlement and cultivation of lands, as may be seen in the existing codes, and that with respect to payments, there were, besides gratuitous grants that were made to settlers, others for a moderate price, and which were made to applicants in good faith; and that also lands which some persons possessed without legal title, were sold at public auction, and their value was paid into the public treasury.

To the 3d: That in respect to surveys, I cannot state what was done in this particular. I say this in reply to your aforementioned note.

God & Liberty. C. Victoria, November 16, of 1840.

JESUS CARDENAS.

To the Judge of the First Instance of the D. of the Centre.

(*On the Envelope of the Letters Rogatory.*)

Mexican Republic, State of Tamaulipas.

Letters Rogatory which the Court of the First Instance of the Department of the Centre of the State of Tamaulipas, returns executed to the District Court of the United States for the District of Texas, relative to the civil action which D. Rafael Garcia Cavazos, and others, are prosecuting in the said Court againt D. Simon Mussina, for lands.

The foregoing is a translation of the original on file in this case, made in obedience with an order of this Court.

WILLIAM G. HALE.

Deposition of S. W. Southmayd.

THE UNITED STATES OF AMERICA, *District of Texas.*

State of Texas.
County of Cameron.

Be it remembered, that on this twenty-first day of May, in the year of our Lord one thousand eight hundred and fifty-one, I,

Franklin Cummings, a Commissioner duly appointed by the said District Court of the United States, for the District of Texas aforesaid, under and by virtue of an act of Congress of the said United States, entitled, "An Act for the more convenient taking of bail and affidavits in civil causes depending in the Courts of the United States," passed February 20th, 1812; and the act of the said Congress, entitled, "An Act in addition to an Act, entitled, an Act for the more convenient taking of bail and affidavits in civil causes depending in civil causes, depending in the Courts of the United States," passed March 1st, 1817; and the act of the said Congress, entitled, "An Act to establish the Judicial Courts of the United States," passed September 24th, 1789, did, at the request of Wm. G. Hale, Attorney for the plaintiffs hereinafter named, call and cause to be and personally appear before me, at my office, in the town of Brownsville, in the said District and State, Samuel W. Southmayd, to testify and the truth to say, on the part of the plaintiffs, in a certain cause or suit now depending and undetermined, in the District Court of the United States, for the District of Texas, at Galveston, in the State of Texas, wherein Rafael Garcia Cavazos, Maria Josefa Cavazos his wife, and Estefana Goseascochea de Cortina, are plaintiffs, and Simon Mussina is defendant. And the said Samuel W. Southmayd being of sound mind and of lawful age, and having been by me first cautioned and sworn to testify the truth, the whole truth, and nothing but the truth, in the cause or suit aforesaid, was carefully examined by me, and he did thereupon depose, testify, and say as follows, that is to say:

My name is Samuel W. Southmayd. I am thirty-eight years old. I reside at Point Isabel, in Cameron County, State of Texas. I have lived there since the month of November, A. D., 1848. I know the plaintiffs and the defendant, Simon Mussina, named in above entitled cause. In January, 1849, I bought of Simon Mussina the lot of ground on which I built my warehouse, at Point Isabel. I took the title thereto from Simon Mussina, dated February 1st, 1849; the said title was signed by Simon Mussina. The said Mussina, on and previous to the 12th day of January, 1849, represented himself as owner of Point Isabel, and as having a right to dispose of lots thereon. The said Mussina claimed Point Isabel as his place of residence, although most of his time he was absent on his business affairs.

SAMUEL W. SOUTHMAYD.

And I, Franklin Cummings, the Commissioner aforesaid, do hereby certify that I am not of counsel or attorney for either of the parties in the said deposition or caption named, nor in any way interested in the event of the said cause or suit.

Witness my hand and private seal as Commissioner, at the said city the day and year above written.

[L. S.]

F. CUMMINGS,

U. S. Commissioner, Dist. of T.

Deed from Mussina to Southmayd.

State of Texas.
County of Cameron.

Know all men by these presents, that I, Simon Mussina, of the State and county aforesaid, in virtue of the power vested in me, and in my own right, for and in consideration of the sum of two hundred dollars to me in hand paid by S. W. Southmayd, citizen of the same place, the receipt whereof is hereby acknowledged, have bargained, granted, sold and conveyed, and by these presents do bargain, grant, sell and convey unto the said S. W. Southmayd, his heirs and assigns, all the certain lot or parcel of land lying and being situate at the Fort on the Santa Isabel, or Point Isabel, County Cameron, State of Texas, as per map of Geo. Lyon, Lot No. 3, Black B, having a front of fifty feet, by a depth of one hundred and eighty feet (50 × 180), to have and to hold the said parcel of land unto him, the said Southmayd, his heirs and assigns forever; and I do hereby bind and obligate myself and heirs, to warrant and defend the said lot of land unto the said S. W. Southmayd, and his heirs and assigns.

In witness whereof I hereunto set my hand, and affix my seal, using scroll for seal, this 1st day of February, 1849.

SIMON MUSSINA. [L. S.]

Signed, sealed, and delivered,
in presence of

JNO. P. GAREY,
H. L. HOWLITT.

State of Texas,
County of Cameron.

Before me, William L. Walradt, Clerk Pro tem. of the County Court in and for the county aforesaid, personally appeared Henry L. Howlitt, to me personally and well known, and who, after being duly sworn, did depose and say that he saw the said Simon Mussina sign, seal and deliver the foregoing instrument of writing or Deed of Conveyance, and that he, the said Henry L. Howlitt, had signed the same as one of the subscribing witnesses thereto, at the request of and in the presence of said Simon Mussina.

To certify which I have hereto set my name and seal of office, at Brownsville, this fourteenth day of March, A. D. 1849.
[L. S.]

W. L. WALDRAT,
Clerk Pro tem. C. C. C. C.

Clerk's Office,
Cameron County.

Filed for record, March 14th, 1849, at 11 o'clock A. M.

W. L. WALRADT, *Clerk & Recorder.*

Recorded March 14th, 1849.

W. L. WALRADT, *Clerk & Recorder.*

The State of Texas, }
County of Cameron. }

I, F. W. Latham, Clerk of the County Court in and for the county and State aforesaid, do hereby certify that the foregoing is a true and correct copy, taken from the Record Book, B, of Real Estate, pages 54 and 55.

To certify which, witness my hand and seal of office, this the 9th day of December, A. D. 1852.

[L. S.]

F. W. LATHAM, *Clerk C. C. C. C.*
by B. H. FRY, *Deputy.*

Bill of Exceptions.—Continued.

And the plaintiff having stated that they would rest their case, the defendant then offered in evidence the map or survey of partition between the plaintiffs, of O'Docharty, and the deposition of O'Docharty; also map of the State of Texas by J. de Cardova.

Plot and Survey of O'Docharty, marked A.

Las fajas siguientes contienes los Rumbos, distancias, calculaciones y contra (en sitios y Cordelos Cudros,) del Agostadero del Espiritu Santo y de las partes del dicho Agostadero correspondiente á Dn. Sabas Cavazos y Dn. Juan Tijerina. La calculacion de las de mas partes lo presentare cuando sus dueños medan los ausilias necessarios para marcas sus fineas divisorias.

Nota: Los bolsas del Rio no estan considerados en la particion por que las dueñas convinieron en que cada uno recibe loq. letoca en estenda los bienes.

En la massa.

a. La piedra elavado.
b. Muscuit marcada ✝.
c. Otra piedra Clavado.
d. Mescuit marcada ✝, en labour de Dn. R. Garcia.
e. Piedra Clavado en frente de R. de San Juan.
f. Mescuit marcada ✝, en el mera de lagnna.
g. Otra mesquit Clavado en el Laguna.
x. La Trebedera del Losy.
y. La puerta.
z. La pasapuida.

RUMBOS.	DISTA.	N.	S.	ORTE.	P'TE.	M. D.	CDO. N.	CDO. S.
S.	73.0		73.0			00.0 00.0		
S. 72 Orte,	614.0		189.8	584.0		584.0 1168.0	1,018,145.60	110,843.20
N.,	871.7	871.7				1168.0 1168.0	1,018,145.60	
Pte.,	27.4				27.4	1140.6 1113.2		
N. 30½ Pte.,	166.9	143.9			84.7	1028.5 943.8	148,001.15	
S. 35° 20′ Pte.,	134.3		110.0		77.0	866.8 789.8		95,348.00
S. 26¾ Pte.,	52.0		46.2		23.5	766.3 742.8		35,403.00
S. 82 Pte.,	87.8		12.0		86.8	659.0 569.2		7,908.00
S. 63 Pte.,	111.8		57.1		99.5	469.7 370.2		24,001.67
S. 9½ Pte.,	57.6		66.8		9.0	361.2 355.2		20,516.16
S. 70 Pte.,	99.6		31.8		92.2	260.0 167.8		8,268.00
S. 10° 41′ Pte.,	452.5		444.9		83.9	83.9 00.0		37,327.10

1,166,146.75
339,615.20

2) 826,531.55

413,265.77 todo el Agostadero.

6) 68,877.62 la sesta.

RUMBOS.	DISTA.	N.	S.	ORTE.	P'TE.	M. D.	CDO. N.	CDO. S.
S. 63 Pte.,	36.0		16.3		32.2	32.2 64.4		524.86
S. 9½ Pte.,	57.6		56.8		9.0	73.4 82.4		4169.12
S. 71 Pte.,	97.6		31.8		92.2	174.6 266.8		5552.28
S. 10° 41′ Pte.,	452.5		444.9		83.9	350.7 434.6		156,026.00
S.,	73.0		73.0			434.6 434.6		31,725.80
S. 72 Orte.,	114.6		33.3	108.9		325.6 216.8		10,845.81
N. 9° 21′ Orte.	664.8	656.1		108.4		108.4 000.0	71,121.24	

208,844.30
71,121.24

2) 137,722.06

La parte de D. Sabas Cavazos, 68,861.53

RUMBOS.	DISTA.	N.	S.	ORTE.	P'TE.	M. D.	CDO. N.	CDO. S.
S. 82 Pte.,	23.1		3.2		22.9	22.9		
						45.8		
S. 63 Pte.,	75.8		34.8		67.3	113.1		
						180.4		
S. 9° 21′ Pte.,	664.8		656.1		108.4	288.3		
						297.2		
S. 72 Orte.,	114.6		33.3	108.9		288.3		
						179.4		
N. 9° 2′ Orte.,	732.6	727.4		89.7		89.7		
						000.0		

203,080.23
65,247.78

2) 137,832.45

La parte de Juan Tijerina, 68,916.22

De la puerta al Oriente ay 584 cordelas.
De al Norte asta la Laguna Madre ay 993 ydn.
En la de Oriente á Poniente hay 58 á ydn.
En la Norte á sur hay 725 ydn.

JUAN JOSE TIJERINA.

(*For Plat see original, page* 968.)

DISTRICT COURT OF THE UNITED STATES,
Eastern District of Texas.

I, James Love, Clerk of the District Court of the United States of America for the Eastern District of Texas, at Galveston, certify that the foregoing is a true copy of the original withdrawn from the files in the case of Don Rafael Garcia Cavazos *vs.* Don Simon Mussina, by leave of the Court.

In testimony whereof I here set my hand and affix the [L. S.] seal of said Court this the 8th day of August, A. D. 1858.

JAMES LOVE, *Clerk.*

Translation.

District Court of the United States,
District of Texas.

RAFAEL GARCIA CAVAZOS, et al.,
v.
SIMON MUSSINA.

Translation of the field notes of a survey made by William O'Docharty, and referred to in his depositions.

The following leaves contain the courses, distances, calculations and quantity (in sitios and square cordeles) of the Agosta-

dero del Espiritu Santo, and of the parts of the said Agostadero belonging to D. Sabas Cavazos and D. Juan Tijerina. The calculation of the other parts I will present when their owners furnish the necessary means to mark out their dividing lines.

NOTE.—The bends of the river are not included in the partition, because the owners agreed that each one should receive what would come to him by extending his lines.

On the Map.

a. The stone mark (clavado).
b. Mesquit marked ×.
c. Another stone mark (clavado).
d. Mesquit marked × on the Labor of D. Rafael Garcia.
e. A stone mark in front of the R. de San Juan.
f. Mesquit marked × on the edge of the Laguna.
g. Another mesquit stake on the Laguna.
x. The watering place of El Sous.
y. The entrance (puerta.)

COURSES.	DIST.	N.	S.	E.	W.	M D	AREA N.	AREA S.
S.	73.0		73.0			000 000		
S. 72° W.	614.0		189.8	584.0		584.0 1168.0		110,843.20
N.	871 7	871.7				1168.0 1168.0	1,018,145.60	
W.	27.4				27.4	1140.6 1113.2		
N. 30½° W.	166.9	143.9			84.7	1028.5 943.8	148,001.15	
S. 35° 20′ W.	134.3		110.0		77.0	866.8 789.8		95,348.0
S. 26¾° W.	52.0		46.2		23.5	766.3 742.8		35,403.0
S. 82° W.	87.8		12.0		86.8	659.0 659.2		7,908.0
S. 63° W.	111.8		51.1		99.5	469.7 370.2		24,001.6
S. 9½° W.	57.6		56.8		9.0	364.2 355.2		20,516.16
S. 71° W.	97.6		31.8		92.2	260.0 167.8		8,268.00
S. 10° 41′ W.	452.5		444.9		83.9	83.9 00.0		37,327.10

1,166,146.75
339,615.20

2) 826,531.55

6) 413,265.77—all the Agostadero.

68,877.62—the sixth.

COURSES.	DIST.	N.	S.	E.	W.	M D	AREA N.	AREA S.
S. 63° W.	36.0		16.3		32.2	32.2 64.4		524.86
S. 9½° W.	57.6		56.8		9.0	73.4 82.4		4,169.12
N. 71° W.	97.6		31.8		92.2	174.6 266.8		5,552.28
S. 10° 41′ W.	452.5		444.9		83.9	350.7 434.6		156,026.00
S.	73.0		73.0			434.6 434.6		31,725.80
S. 72° E.	114.6		33.3	108.9		325.7 216.8		10,845.81
S. 9° 21′ E.	664.8	656.1		108.4		108.4 000.0	71,121.24	

208,844.30
71,121.24

2) 137,723.06

The part of D. Sabas Cavazos, 68,861.53

COURSES.	DIST.	N.	S.	E.	W.	M D	AREA N.	AREA S.
S. 82° W.	23.1		3.2		22.9	22.9 45.8		73.28
S. 63° W.	75.8		34.8		67.3	113.1 180.4		3,925.88
S. 9° 21′ W.	664.8		656.1		108.4	288.8 397.2		189,480.68
S. 72° E.	114.6		33.3	108.9		288.3 179.4		9,600.39
N. 7° 2′ E.	732.6	727.4		89.7		89.7 00 0	6,524,778	

203,020.83
65,247.78

2) 137,832.45

The part of D. Juan Tijerina, 68,916.22

From the entrance (puerta) east, there are 584 cordeles. From Sn. Yg. north to the Laguna Madre there are 993 ydn. On the side of the east, to the west, there are 584 ydn. On that of the north to the south there are 725 ydn.

JUAN JOSE TIJERINA.

I certify that the foregoing is a correct translation of the original, made under an order of the Court.

WILLIAM G. HALE.

Deposition of Wm. O'Docharty.

UNITED STATES OF AMERICA,
District of Texas. } ss.

DISTRICT OF TEXAS, COUNTY OF SAN PATRICIO.

Be it remembered, that on this the twenty-second day of September, in the year of our Lord one thousand eight hundred and forty-nine, I, David Ayres, a Commissioner appointed by the District Court of the United States for the District of Texas, having and exercising the powers and jurisdiction of a Circuit Court of the United States, under and by virtue of the Acts of Congress, entitled an Act for the more convenient taking of Affidavits and Bail in Civil Causes depending in the Courts of the United States, passed February 20th, 1812, and the Act of Congress entitled an Act in addition to an Act, entitled an Act for the more convenient taking of Affidavits and Bail in Civil Causes depending in the courts of the United States, passed March 1st, 1817, and an Act entitled, an Act to establish the Judicial Courts of the United States, passed September 24th, 1789, did call and cause to be and personally appear before me at his residence in the town of San Patricio, and State and District aforesaid, to testify, and the truth to say, on the part of the plaintiff, in a certain suit now depending and undetermined in the District Court of the United States for the District of Texas, and to be tried at Galveston in the said State and District, wherein Rafael Garcia Cavazos, Maria Josefa, his wife, and Estefana Goseascochea de Cortina, are plaintiffs, and Simon Mussina, is defendant. William O'Docharty, and the said William O'Docharty, being of sound mind and lawful age, was by me first cautioned and sworn to testify the truth, the whole truth, and nothing but the truth, and thereafter I did carefully examine the said witness, and he did testify, depose and say as follows, viz.:

I am acquainted with the plaintiffs, but am not acquainted with the defendant. I surveyed the tract of land opposite to Matamoras on the left bank of the Rio Grande, known as the Potrero del Espiritu Santo. I made the above survey at the request of Estefana Goseascochea de Cortina, Juan Tijerina, for his wife, Rafael Garcia Cavazos, for his wife, one Manuel Prieta, Domingo de la Garcia and Manuel Prieta, in the spring or summer of 1836; the persons above-named were reputed to be the owners of the above described tract of land, and acknowledged as the owners by the authorities there. I followed the lines as laid down in the old title. I followed the line as specified in the old title fronting on the river unto its termination, and then ran due south until I struck a stone in the river bottom on the bank of a lake which the owners informed me was the extremity of the old survey. I

then calculated a straight line from the beginning point to that stone, and also the area of the triangle formed thereby, which area I took into account in making up the survey of the whole tract; from that stone I ran off to the mouth of the Arroyo Colorado in a straight line, passing through several lagoons a distance of something more than ten leagues. From thence meandering up the Colorado until I was stopped by Manuel Prieto, one of the owners, urging that I should go no further. From the general course of the creek, I then determined the balance of it (viz., the creek which I would have surveyed if I had not been prevented). From what had been surveyed I then calculated the distance to the point of commencement; distance south about seven leagues. I then calculated the area of the whole survey, including the triangle before-mentioned, and found it to contain forty-one leagues and a fraction. Within this survey is contained the greater part of fifteen leagues claimed by different persons, over and above the land specified in the title. It is my opinion, that it would take every inch of the land contained between the lines I have mentioned and the Laguna Madre and the Gulf, and the banks of the Rio Grande, in front of the first-named lines and down to the mouth of the Rio Grande, to make up the quantity of fifty nine sitios and eleven and one-half cavallerias. I have had the old title in my possession, I believe one month. The title emanated from the Spanish government. I think I received this title from Juan Tijerina, one of the above-named parties. As far as I know by experience, the old surveys under the government of Spain were run by the magnetic course, and I have made several re-surveys in Mexico. There is an impenetrable thicket on the above-named tract of land on the western boundary, and cannot be passed through except there is an opening cut out with axes. I have been a practical surveyor since the year of 1830 until the present time. I have understood the science of surveying thirty-four years.

WILLIAM O'DOCHARTY.

And I, David the Commissioner aforesaid, do hereby certify that the reason for taking the foregoing deposition, is, and the fact is, that the testimony of the witness is material, and necessary in the civil cause or suit in the caption of the said deposition named, and that he lives in the county of San Patricio aforesaid, more than one hundred miles from the place where the trial of the said suit is to be had, to wit: the city of Galveston, in the said State and District. I further certify that whether the said defendant, or any one of his attorneys, was within one hundred miles of the place aforesaid, of taking the foregoing deposition, and that therefore no notification of the time and place was given to them, or either of them, by me. And I further certify that on the day before first mentioned, I was attended by the said witness

and William G. Hale, plaintiffs' attorney, and therefore the above deposition was taken and reduced to writing by me in the presence of the witness, and from his statements, and after carefully reading the same to the witness, he subscribed his name thereto. I have retained the same in my possession for the purpose of sealing up, directing, and after such sealing and directing, handing the same to the Clerk of the Court, for whom the same was taken. And I do further certify that I am not of counsel or attorney for either of the parties in the caption of the said deposition named, nor in any way interested in the event of the said cause or suit. Witness my hand and seal, the day and year above mentioned.

DAVID AYRES,
U. S. Commissioner.

Deposition of Wm. O'Docharty.

UNITED STATES OF AMERICA, *District of Texas.* } ss.

STATE OF TEXAS, COUNTY OF NUECES.

Be it remembered that on this the twenty-third day of October, in the year of our Lord one thousand eight hundred and forty-nine, I, David Ayres, Commissioner duly appointed by the District Court of the United States, for the District of Texas, having and exercising the powers and jurisdiction of a Circuit Court of the said United States, under and by virtue of the acts of Congress, entitled, "An Act for the more convenient taking of affidavits and bail in civil causes depending in the courts of the United States," passed February 20th, 1812. An Act entitled, "An Act in addition to an Act entitled an Act for the more convenient taking of affidavits and bail in civil causes depending in the courts of the United States," passed March 1st, 1817, and the Act entitled, "An Act to establish the Judicial Courts of the United States," passed February 24th, 1789, did call and cause to be and personally appear before me at the hotel in Corpus Christi, county of Nueces, and State and District of Texas aforesaid, to testify, and the truth to say, on the part of the plaintiffs, in a certain suit now depending and undetermined in the District Court of the United States, for the District of Texas, and to be tried at Galveston, in the said State and District wherein Rafael Garcia Cavazos, Maria Josefa Cavazos his wife, and Estefana Goseascochea de Cortina, are plaintiffs, and Simon Mussina is defendant.

William O'Docharty.—And the said William O'Docharty being of sound mind and lawful age, was by me first cautioned and sworn to testify the truth, the whole truth, and nothing but the truth, in the suit aforesaid, and thereupon I did carefully examine the said witness, and he deposed, testified and said as follows, viz.:

I am acquainted with the plaintiffs. I am not acquainted with the defendant, Simon Mussina. I recognize the paper now exhibited

to me, marked A, purporting to be a plot and calculation of a survey on the Rio Grande, the same is in my handwriting, excepting the four last lines of the letter A, and before the signature. The plot and calculations are mine, and were made by me. The survey was made by me, I think, in 1836, but I am not certain whether it was made in 1836 or 1837. The said tract of land was generally called, or was at the time I surveyed it, called the Potrero del Espiritu Santo, and its deputed owners were Manuel Prieto, Domingo de la Garza, Rafael Garcia Cavazos, Juan Tijerino, and Estefana Goseascochea de Cortino, and said land lies between the Arroyo Colorado and the Rio Grande, opposite Matamoras. The part corresponding to Domingo de la Garza (as above expressed) is now, I understand, the property of Mrs. Tarneva, from whom said Domingo first purchased the same. The plot and calculations are correct, and show correctly the measurement, corners, and contents of the said survey made by me. This is the same survey referred to in my former deposition in this case. I wish to explain that I have made several plots and calculations to the different owners of the Potrero above expressed, and believed them all correct at the time I made them. The calculations in the paper A, above referred to, I have not now time to examine, but I believe they will, on examination, stand the test.

WILLIAM O'DOCHARTY.

And I, David Ayres, the commissioner aforesaid, do hereby certify that the reason for taking the foregoing deposition is, and the fact is, that the testimony of the witness is material and necessary in the civil cause or suit in the caption named, and that he lives in the county of San Patricio aforesaid, more than one hundred miles from the place where the trial of the said suit is to be held, to wit: in Galveston in the said State and District. And I further certify that neither the defendant or any one of his attorneys was within one hundred miles of the place aforesaid of taking the foregoing deposition at the time when the same was taken, and that therefore no notification of the time and place of taking the same was given to them or either of them by me. And I further certify, that on the day before first mentioned I was attended by the said witness, and thereupon his deposition was taken and reduced to writing by me in the presence of the witness, and from his statements (excepting a few lines in the body of the deposition, which is in the handwriting of the witness), and after carefully reading the same to the witness, he subscribed his name thereto. I have retained the said deposition in my possession for the purpose of sealing up and directing, handing the same to the clerk of Court, for which the same was taken. And I further certify that I am not of counsel or attorney for either of the parties in the caption of the said deposition named, nor in any way interested in the event of the said cause or suit.

Witness whereof, I affix my hand and seal on the day and year above written.

DAVID AYRES.

MAP OF THE STATE OF TEXAS (BY J. DE CORDOVA).

Bill of Exceptions (*continued*).

EDWARD T. AUSTIN, called and sworn as a witness, testified: taking the lower line of the survey parallel with the Gulf of Mexico, and comparing his map, by placing the map of O'Docharty upon that of Cordova, the line running parallel with the Gulf of Mexico would commence on the Rio Grande river, about five or six miles below the town of Brownsville.

The defendant then offered the deeds of Rafael Garcia Cavazos and wife, and Cortina la Basse and Hord, which were objected to by the plaintiff as irrevelant and incompetent, but the objection was overruled, and this was all the evidence introduced by the defendant.

Deed from Cavazos and wife to Basse and Hord.

The State of Texas, }
County of Cameron: }

Know all men by these presents, that we, Rafael Garcia Cavazos, and Maria Josefa Cavazos, his wife, now residing in the city of Matamoras, and State of Tamaulipas, for and in consideration of the sum of twenty-three thousand dollars to us in hand paid, the receipt whereof is hereby fully acknowledged, have granted, bargained, and sold, released, transferred, and conveyed, and do by these presents grant, bargain, and sell, release, transfer, and convey unto Elisha Basse and Robert H. Hord, of the county of Cameron and State of Texas, all our right, title, and interest whatsoever, and all the right, title, and interest of each of us, in and to a certain tract of land lying on the left bank of the Rio Grande, in the said county of Cameron and State of Texas, opposite to the city of Matamoras aforesaid; including the town site of Brownsville, and bounded as follows: Beginning at the most northern point or angle of the fence known as the Quarter master's fence around Fort Brown; thence running due north to a line drawn at right angles to another line running five thousand varas magnetic north, from the centre of the main plaza of the said city of Matamoras; there and after reaching said line so drawn as aforesaid, running along said line westwardly to a point due north of the place where the line of a survey made for Charles Steilman strikes the Rio Grande, which place is understood to be so situated that the line runs directly through a warehouse built by John Young, in or near the town site of Mansfield; thence due

south to the point above mentioned; thence following the meanders of the said Rio Grande down to the point where the western or upper line of the said Quarter-master's fence strikes the said river; thence along the line of said fence to the place of beginning, including within the aforesaid boundaries the land hereby conveyed.

To have and to hold the same, together with all the rights and privileges, ways, ferries, and uses, servitudes, tenements and improvements thereto in any wise belonging or appertaining unto them, the said Elisha Basse and Robert H. Hord, as tenants in common, their heirs and assigns, to their own proper use and behoof for ever.

And we do hereby for ourselves, our heirs, executors, and administrators, covenant with the said Elisha Basse and Robert H. Hord, their heirs and assigns, well and truly to warrant and forever defend the premises herein described against all persons claiming or to claim from, by, or under us, or either of us.

In testimony whereof we have hereunto set our hands and affixed our seals, (using scrawls for seals,) at Brownsville, in the said State of Texas, on this fourteenth day of April, in the year of our Lord one thousand eight hundred and fifty-two.

RAFAEL GARCIA CAVAZOS, [SEAL.]
MARIA JOSEFA CAVAZOS, [SEAL.]

Signed, sealed, and delivered in presence of

ISRAEL B. BIGELOW,
ANDREW G. FORTH.

The State of Texas,
County of Cameron:

Before me, Budd H. Fry, a Notary Public in and for the county and State aforesaid, this day personally appeared Rafael Garcia Cavazos, to me known as the person described in, and who executed the foregoing deed of conveyance or instrument of writing, and who acknowledged the same as his own free act and deed, for the considerations and purposes therein set forth and expressed.

[SEAL.] To certify which, witness my hand and seal of office, this 15th day of April, A. D. 1852.

BUDD H. FRY,
Notary Public.

The State of Texas,
County of Cameron:

Before me, Budd H. Fry, a Notary Public in and for the county and State aforesaid, duly commissioned and qualified, this day personally appeared Maria Josefa Cavazos, wife of Rafael Garcia Cavazos, parties to a certain deed or writing bearing date on the 14th day of April, A. D. 1852, and hereto annexed, and having been examined by me privily and apart from her husband, and

having the same fully explained to her, she, the said Maria Josefa Cavazos, acknowledged the same to be her act and deed; and declared that she had willingly signed, sealed, and delivered the same, and that she wished not to retract it. To certify which I hereto sign my name and affix my seal of office, at Brownsville, this 15th day of April, A. D. 1852.

[SEAL.] BUDD H. FRY,
Notary Public.

Filed for record, April the 15th, A. D. 1852, at 10 o'clock A.M., and recorded on the same day.

F. W. LATHAM, *Clerk C. C. C. C.*,
By BUDD H. FRY, *Deputy.*

The State of Texas,
County of Cameron.

I, Francis W. Latham, Clerk of the County Court of the County of Cameron, and the recording officer of the said county, do hereby certify that the foregoing transcript is a true and complete copy taken from the Record Book E., pages 283, 284, and 285, of the records of said county.

[SEAL.] Witness my hand and seal of office, at my office in Brownsville, County and State aforesaid, this 19th day of April, A. D. 1852. F. W. LATHAM,
Clerk C. C. C. C.

The State of Texas,
County of Cameron.

I, Alfonso Hurtel, Chief Justice of the County of Cameron in said State, and Presiding Judge of the County Court of said County, do hereby certify that Francis W. Latham, who has signed the foregoing certificate, is the Clerk of the County Court of the said County, and the keeper of the records of the same, and that the attestation is in due form and is made by the proper officer.

[L. S.] Witness my hand and seal of office at Brownsville County and State aforesaid, this 19th day of April, A. D., 1852. ALFONZO HURTEL, C. J.

The State of Texas,
County of Cameron.

I, Francis W. Latham, Clerk of the County Court of said County of Cameron, do hereby certify that Alfonzo Hurtel, who has signed the foregoing certificate, is the Chief Justice of the County of Cameron, and the Presiding Judge of the County Court of said County of Cameron, and is duly commissioned and qualified as such officer.

[L. S.] To certify which, witness my hand and seal of office, at Brownsville, County and State aforesaid, this 19th day of April, A. D., 1852. F. W. LATHAM,
Clerk C. C. C. C.

Deed from Cortina to Basse & Hord.

The State of Texas,
County of Cameron.

Know all men by these presents, that whereas, we, Feliciana Goseascochea de Tijerina, of the City of Matamoras, in the Republic of Mexico, and Estefana Goseascochea de Cortina, of the County of Cameron, in the State of Texas aforesaid, daughters and sole heirs-at-law of Doña Francisca Xaviera de la Garza, deceased, who was a daughter of Don José Salvador de la Garza, being interested in and claiming and enjoying the possession of one-third part of a certain tract of land, situate in the aforesaid County of Cameron and State of Texas, granted by the Crown of Spain to said Don José Salvador de la Garza, known as "El Potrero del Espiritu Santo," containing about fifty-nine sitios and eleven caballerias of lands, and bounded by the Rio Grande, the Laguna Madre, the Arroyo Colorado, and the Grant of Conception and San Pedro de Carrecitos, made by the Crown of Spain, but which said one-third part of said land, by an amicable understanding and agreement between their said mother and her brother, Don Blas Maria de la Garza, and her sister, Doña Margarita de la Garza de Prieto, with the sanction of their respective husbands, was taken from the upper portion of said grant or trust, commencing at the corner or point of the said Rio Grande which is the common corner of said grant, and the grant of San Pedro de Carrecitos, and running thence down said river to a point on the same, so as to include or embrace the Rancho or Farm, occupied and known as Antonio Garza Mariscal. The said Don Blas Maria de la Garza, took and possessed the next or middle portion of said tract, including the present site of the Town of Brownsville, and the remaining third was taken and possessed by the said Doña Margarita de la Garza de Prieto. Now, therefore, whilst it is not our intention in the foregoing admissions, in any way to waive our right or claim to the equal division of the said grant by the running of the lateral lines of said division from the Rio Grande, yet we desire hereby to designate the lands upon the Rio Grande contiguous thereto, which have been for a long series of years held as one individual property, and further, as far as is in our power to assure to our co-heirs in said land, all the rights and interests therein appertaining, and to which they their heirs or vendees are entitled. Know all men by these presents, that we, the aforesaid parties, for and in consideration of the foregoing reasons, and for the consideration of one dollar in cash to each of us in hand paid, the receipt whereof is hereby acknowledged, have granted, confirmed, released and quit claimed, and by these presents do grant, confirm, approve, release, and quit claim, unto Elisha Basse and Robert H. Hord, all of that certain tract, parcel or piece of land

situate in the County of Cameron and State of Texas aforesaid, on the left bank of the Rio Grande, opposite the City of Matamoras, including the site of Brownsville, and bounded as follows, to wit:

Beginning at the most northern point or angle of the fence known as the quarter-master's fence around Fort Brown, thence running due north to a line drawn at right angles to the termination of another line running five thousand Mexican varas, magnetic north from the centre of the main plaza of the said City of Matamoras, thence after reaching said line so drawn as aforesaid, running along said line to a point due north of the place where the line of a survey made for Charles Stillman strikes the said Rio Grande, which place is understood to be so situated that the line passes directly through a warehouse, built by John Young, in or near the Town of Mansfield, on the site thereof; thence due south to the point above-mentioned; thence following the meanders of the said Rio Grande down to the point where the western line of said quarter-master's fence strikes the said river to the place of beginning, including within the said boundaries the land hereby conveyed, it being the same tract of land conveyed by Don Rafael Garcia Cavazos and his wife, Doña Josefa, by deed bearing date the fourteenth day of April, A. D., 1852, including the site of the City of Brownsville, and being a part of the land they inherited from Doña Francisca Cavazos, together with all and singular the rights, members, hereditaments, and appurtenances to the same belonging, or in anywise incident or appertaining.

To have and to hold all and singular the premises above described, unto the said Elisha Basse and Robert H. Hord, their heirs and assigns forever, and we do hereby bind ourselves, our heirs, executors and administrators, to warrant and forever defend all and singular the said premises unto the said Elisha Basse and Robert H. Hord, their heirs and assigns, against every person whatsoever lawfully claiming, or to claim the same, or any part thereof, by, through or under us. Witness our hands and seals, this 22d day of March, A. D., 1853.

FELICIANA GOSEASCOCHEA DE CORTINA, [L. S.]

her

ESTEFANA GOSEASCOCHEA ⋈ DE CORTINA, [L. S.]

mark.

Signed, sealed and delivered in presence of

ADOLPHUS GLACREDU,
T. W. SLEMONS,
F. J. PARKER.

Signed, sealed and delivered in presence of

the

CARMIN ⋈ CORTINA.

mark.

Witness as to

ESTEFANA GOSEASCOCHEA DE CORTINA.

The State of Texas,
County of Cameron. }

Before me, Francis J. Parker, a Notary Public, in and for the County and State aforesaid, duly commissioned and sworn, personally came and appeared Feliciana Goseascochea de Tijerina, and Estefana Goseascochea de Cortina, to me well known, who stated that they had executed the foregoing instrument of writing, acknowledged the same to be their act and deed, for the consideration and purposes therein expressed. I also certify that the word Flores on the thirty-fourth line of the first page hereof was erased, and the word "Marical" was interlined in its stead before being signed.

To certify which, witness my hand and seal of office,
[L. S.] this the twenty-second day of March, in the year of our Lord one thousand eight hundred and fifty-three.

FRANCIS J. PARKER,
Notary Public.

State of Texas,
County of Cameron: }

Before me, W. F. Latham, Clerk of the County Court in and for the County and State aforesaid, this day personally appeared Francis J. Parker, a subscribing witness to the foregoing instrument of writing to me well-known, who having been by be duly sworn stated, that he saw Feliciana Goseascochea de Tijerina and Estefana Goseascochea de Cortina, sign, seal and deliver the same, and that they acknowledged the same to be their act and deed for the considerations and purposes therein set forth and expressed.

[SEAL.] To certify which, witness my hand and seal of office, this the 25th day of March, A. D. 1853.

F. W. LATHAM, *Clerk, C. C. C. C.*
By B. H. FRY, *Deputy.*

Filed for record March the 25th, A. D. 1853, at 10 o'clock, A. M., and recorded April the 9th, A. D. 1853.

F. W. LATHAM, *Clerk, C. C. C. C.*
By B. H. FRY, *Deputy.*

The State of Texas,
County of Cameron: }

I, S. E. Langdon, Clerk of the County Court of the County of Cameron and the recording officer of the said county, do hereby certify, that the foregoing transcript is a true and complete copy, taken from the Record Book, "E." pages 503, 504, 505 and 506, of the records of said County.

[SEAL.] In testimony whereof I have hereunto set my hand and seal of office, this the 8th day of December, A. D. 1853.

S. E. LANGDON, *Clerk C. C. C. C.*

The State of Texas, }
County of Cameron: }

I, Rice Garland, Chief Justice of the County of Cameron in said State, and presiding Judge of the County Court in said county, do hereby certify, that S. E. Langdon, who has signed the foregoing certificate is the Clerk of the County Court of said county and the keeper of the records of the same, and that the said attestation is in due form and is made by the proper officer.

[SEAL.] In testimony whereof I have hereunto set my hand and seal of office, this 8th December, A. D. 1853.

RICE GARLAND,
Chief Justice Co. Cameron, State of Texas.

The State of Texas, }
County of Cameron: }

I, S. E. Langdon, Clerk of the County Court of the said County of Cameron, do hereby certify, that Rice Garland, who has signed the foregoing certificate, is the Chief Justice of the County of Cameron and the presiding Judge of the County Court of said County of Cameron, and is duly commissioned and qualified as such officer.

[SEAL.] In testimony whereof I have hereunto set my hand and seal of office, this the 8th day of December, A. D. 1853.

S. E. LANGDON, *Clerk C. C. C. C.*

Bill of Exceptions—continued.

Be it remembered, that after the trial of the cause and verdict and judgment for the plaintiffs, the defendant offered the following motion in arrest of judgment, and offered the deed of the said plaintiff as well as other testimony, to show that the said plaintiff was a resident citizen of the County of Cameron, in the State of Texas, which motion the Court overruled, and to which ruling of the Court the defendant excepted.

Motion in Arrest.

RAFAEL GARCIA CAVAZOS, et al., Plaintiffs, }
v. } Law, 134.
SIMON MUSSINA, Defendant. }

In the U. S. District Court at Galveston, January Term, 1854.

And now comes the said defendant by his attorney, and moves the Court to arrest the judgment rendered against him in the above entitled and numbered cause for the following causes:

1st. Because one of the plaintiffs, Cavazos, as appears from the petition, is a citizen of Mexico, an alien, and as such not entitled to sue in this Court.

2d. Because the other plaintiff, Cortina, is a resident citizen of

the County of Cameron, in the State of Texas, and was at the time of the filing of this suit.

3d. Because it appears from the petition, that the action was simple trespass, and not an action of trespass to try title as the Statute of the State of Texas prescribes.

And for other causes, and refers to all the papers in said cause in support of this his motion.

S. MUSSINA,
By his Attorney, Dan'l D. Atchison.

Bill of Exceptions continued.

Be it also further remembered that the defendant after the trial of the cause and verdict of the plaintiffs, the defendant made the following motion for a new trial, which motion the Court overruled and to which ruling of the Court the defendant excepted, and files this, together with all the foregoing exceptions, as his bill of exceptions to the ruling of the Court, and prays that the same may be signed, sealed and enrolled and made a part of the record.

Motion for new trial.

RAFAEL GARCIA CAVAZOS *et al.*
vs.
SIMON MUSSINA. } No. 134.

United States District Court for the District of Texas, at Galveston, January Term, 1854.

And now comes the said defendant, by his attorney, and moves the Court to set aside the verdict and judgment rendered against him in the above entitled and numbered cause, and grant him a new trial for the following causes:

1st. Because the Court erred, in overruliug the motion to dismiss the cause for want of prosecution, and not removing the cause to Brownsville, the branch of the District Court to which it properly belongs.

2d. The Court erred, in overruling the motion to dismiss the cause for the failure to make the representation of Rafael Garcia Cavazos a party to the suit, and because the petition is brought for trespass and not for trespass to try title.

3d. Because the Court erred, in not granting the petition suggesting death of Cavazos, in conformity to article Hartley's Digest.

4th. Because the Court erred, in ruling that the cause of action survived to the other plaintiff or plaintiffs.

5th. The Court erred, in overruling the application for a continuance and forcing defendant to trial.

6th. The Court erred, in admitting evidence, under deposition,

to show title to land when the action was trespass, and not trespass to try title.

7th. Because the Court erred, in allowing the plaintiff to amend the petition by endorsing on the same after the parties had announced themselves ready for trial and gone to the jury.

8th. Because the Court erred, in overruling the objections presented in writing to all the original documents offered in evidence.

9th. Because the Court erred, in admitting all the evidence taken under letters Rogatory by the plaintiffs without legal notice.

10th. The Court erred, in charging the jury as to boundary in this, that if the call in the grant was the Gulf of Mexico (instead of the waters of the Gulf of Mexico), they were bound to go to it.

11th. The Court clearly erred, in calling back the jury and re-charging it in the manner the Court did, when the same was not asked for by the jury.

12th. The instructions of the Court misled the jury and improperly influenced them.

13th. The verdict is both contrary to the law and to the evidence.

14th. And for other causes to be assigned on the hearing of this motion. And the said defendant refers to the papers in said cause in support of this his motion.

Bill of Exceptions (*concluded*).

In making out the bill of exceptions in error to the Supreme Court, the clerk will insert all the documents and papers and depositions referred to, in full, at the proper places.

JOHN C. WATROUS.

And afterwards, to wit, on the twenty-fourth day of March of the same year the Court here made an order in this cause, which is in the words and figures following, to wit:

Order of Court.

MARIA JOSEFA CAVAZOS,
vs.
SIMON MUSSINA. } No. 134.

On motion of defendant's attorney it is ordered that, in case defendants shall prosecute a writ of error to the Supreme Court of the United States from the judgment rendered against him during the present term, the amount of the bond for costs shall be for the sum of five hundred dollars. It is further ordered that the orders entered in this case on former days of this term, in relation to a bond for costs, be set aside.

And afterwards, to wit, on the fourteenth day of October, of the

same year, a writ of Possession and Execution for costs issued from the Clerk's Office of our said Court, as follows, to wit:

Writ of Possession, etc.

THE UNITED STATES OF AMERICA,
District of Texas.

The President of the United States of America, to the Marshal of the District of Texas, or to his lawful deputy. Greeting:

Whereas, Maria Josefa Cavazos and Estefana Goseascochea de Cortina, late in our District Court of the United States for the District of Texas, held at Galveston, to wit, at the January Term of our said Court, in the year of our Lord one thousand eight hundred and fifty-four, hath recovered against Simon Mussina a certain tract or parcel of land, described as follows, that is to say: One undivided moiety of a tract of land situated in the county of Cameron, in the State of Texas, and bounded as follows, to wit: Beginning at a point on the Laguna Madre where a line drawn due west from a point eight thousand varas due north of the extreme northeastern point of Point Isabel, so called, would, if produced, strike the mainland on the western shore of the Laguna Madre, thence running west eight thousand varas, thence south to the Rio Grande, thence along the left bank of the Rio Grande to its mouth, and along the coast of the Gulf of Mexico and the said Laguna Madre to the place of beginning. Whereof the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina was on the first day of January, A. D. 1849, possessed, on which said day the said Simon Mussina, with force and arms, entered in and upon the said premises, and upon the possession of them, the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina, and them, the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina did eject. Whereof the said Simon Mussina now stands convicted, as appears to us of record.

And whereas, they, the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina, did then and there, to wit, at the said term of our said Court, recover against the said Simon Mussina the sum of one cent, for his damages, and the further sum of four hundred and ninety-four dollars and four cents for his costs, which to the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina, was then and there adjudged.

You are, therefore, hereby commanded that you cause the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina, to have their possession of the said above described moiety of the said tract of land and the appurtenances thereto, so that they peaceably and quietly hold and enjoy the same, and make known to us, at the next term of said Court, to be held at the city of Galveston, on the first Monday of January next.

You are also hereby commanded, that of the goods and chat-

tels, lands and tenements of the said Simon Mussina, you cause to be made the sum of one cent, for damages, and the further sum of four hundred and ninety-four dollars and seventy-four cents for costs to them, the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina, adjudged as aforesaid, and have you the said moneys before us, at the Clerk's office of our said Court, on or before the first Monday of January next, so that you render the same to the said Cavazos and Cortina.

Herein fail not, and due return make of this writ, certifying how you have executed the same.

[SEAL.] Witness the Honorable John C. Watrous, Judge of our said Court, and the seal thereof, at the city of Galveston, this fourteenth day of October, in the year of our Lord, one thousand eight hundred and fifty-four.

JAMES LOVE, *Clerk.*

Marshal's Return.

Received October 18th, 1854, and not executed for want of the necessary instructions from plaintiff's attorney.

BEN. McCULLOCH, *U. S. Marshal.*
By JAS. H. CLEVELAND, *Deputy.*

And afterwards, to wit, on the fourteenth day of March, of the year of our Lord, one thousand eight hundred and fifty-five, an *alias* writ of possession issued herein, which is as follows:

Alias Writ of Possession, etc.

THE UNITED STATES OF AMERICA, *District of Texas.*

The President of the United States of America, to the Marshal of the District of Texas, or to his lawful Deputy. Greeting:

Whereas, Maria Josefa Cavazos and Estefana Goseascochea de Cortina, late in our District Court of the United States for the District of Texas, held at Galveston, to wit, at the January Term of our said Court, in the year of our Lord one thousand eight hundred and fifty-four, hath recovered against Simon Mussina a certain tract or parcel of land described as follows, that is to say: one undivided moiety of a tract of land situated in the county of Cameron in the State of Texas, and bounded as follows, to wit: Beginning at a point on the Laguna Madre, where a line drawn due west from a point eight thousand varas due north of the extreme north-eastern point of Point Isabel, so called, would, if produced, strike the main land on the western shore of the Laguna Madre; thence running west eight thousand varas; thence south to the Rio Grande; thence along the west bank of the Rio Grande to its mouth; and thence along the coast of the Gulf of Mexico and the said Laguna Madre to the place of the beginning; whereof

the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina was, on the 1st day of January, A. D. 1849, possessed, and on which day the said Simon Mussina, with force and arms, entered in and upon the said premises, and upon the possession of them the said Maria Josefa Cavazos and Estefana Goseascochea, did eject, whereof the said Simon Mussina now stands convicted, as appears to us of record.

And whereas, they the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina did then and there, to wit, at the said term of our said Court, recover against the said Simon Mussina the sum of one cent for their damages, and the further sum of four hundred and ninety-five dollars and fifty-four cents for their costs, which to the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina was then and there adjudged.

You are therefore hereby commanded, as you have often before been, that you cause the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina to have their possession of the said above described moiety of the said tract of land, and the appurtenances thereto, so that they peaceably and quietly hold and enjoy the same, and make known unto us at the next term of said court to be held at the city of Galveston, on the first Monday of January next.

You are also hereby commanded, as you have before been, that of the goods and chattels, lands and tenements of the said Simon Mussina, you cause to be made the sum of one cent for damages, and the further sum of four hundred and ninety-seven dollars and twenty-four cents for costs, which to them, the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina so adjudged as aforesaid; and have you the said moneys as aforesaid before us at the Clerk's office of our said Court, on or before the first Monday of January next, so that you render the same to the said Cavazos and Cortina. Herein fail not, and due return make of this writ, certifying how you have executed the same.

[SEAL.] Witness the Honorable John C. Watrous, Judge of said Court, and the seal of said Court. Done at the city of Galveston, this 14th day of March, A. D. 1855.

JAMES LOVE, *Clerk.*

And thereupon endorsed is the return of the Marshal, in the words and figures following, that is to say:

Marshal's Return.

Received, March 15th, 1855, and not executed because of instructions from plaintiffs' attorney.

BEN. McCULLOCH, *U. S. M.*
By J. A. H. CLEVELAND, *Dep.*

And afterwards, to wit, on the twenty-first day of August of the same year, a writ of possession issued herein, which is in the words and figures following, that is to say:

Pluries Writ of Possession, etc.

The United States of America,
District of Texas.

The President of the United States of America, to the Marshal of the District of Texas, or to his lawful deputy, greeting:

Whereas, Maria Josefa Cavazos and Estefana Goseascochea de Cortina, late in our District Court of the United States for the District of Texas, held in Galveston, to wit, at the January Term of our said Court, in the year of our Lord one thousand eight hundred and fifty-four, recovered against Simon Mussina a certain tract or parcel of land, described as follows, that is to say: one undivided moiety of a tract of land, situated in the county of Cameron and State of Texas, and bounded as follows, to wit: Beginning at a point on the Laguna Madre, where a line drawn due west from a point eight thousand varas due north of the extreme northeastern point of Point Isabel, so called, would, if produced, strike the main land on the western shore of the Laguna Madre; thence running west eight thousand varas; thence south to the Rio Grande; thence along the left bank of the Rio Grande to its mouth; and thence along the coast of the Gulf of Mexico and the said Laguna Madre to the place of beginning: whereof the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina was on the said first day of January, A. D. 1849, possessed; and on which said day the said Simon Mussina, with force and arms entered in and upon the said premises, and upon the possession of them the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina, and then and there did them eject: whereof the said Simon Mussina now stands convicted, as appears to us of record.

And whereas, they, the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina did, at the said term of our said Court, recover against the said Simon Mussina the sum of one cent for their damages, and the further sum of four hundred and ninety-five dollars and fifty-four cents for their costs, which to them, the said Cavazos and Cortina, was then and there adjudged.

These are therefore to command you, as you have at many times been commanded, that of the goods and chattels, lands and tenements of the said Simon Mussina, you cause to be made the said several sums of money; also the further sum of one dollar and thirty cents, the cost of this writ, together with all legal fees and commissions for collecting the same. And have you the said moneys before us at the Clerk's office of our said Court, so that you render the same to the said Cavazos and Cortina on or before the first Monday of January next.

You are also hereby commanded, as before you have been, that you cause the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina to have their possession of the said before de-

scribed tract of land and appurtenances thereto, so that they peaceably and quietly hold and enjoy the same.

And do you make known at the next term of our said Court, to be held at the City of Galveston on the first Monday of January next, how you have executed this writ. Herein fail not, and due return then and there make of this writ.

Witness the Hon. John C. Watrous, Judge of said [L. S.] Court, and the seal of said Court, done at the City of Galveston on this 21st day of August, A. D. 1855.

JAMES LOVE, *Clerk.*

Cost taxed on former writs, . .	$495.54
Issuing, ...	1.00
Return, ...	.15
Docket, ...	1.30
	$496.84

And thereupon endorsed is the Marshal's return of said writ, which is as follows, to wit:

Marshal's Return.

Rec'd Aug. 22, 1855, and not executed in consequence of no instructions from plaintiff or attorney.

BEN. McCULLOCH, U. S. M.
By GEORGE DYE, *Deputy.*

And afterwards, to wit, on the thirty-first day of March, of the year of our Lord one thousand eight hundred and fifty-six, a writ of possession issued herein, which is as follows, that is to say:

Alias Pluries Writ of Possession.

THE UNITED STATES OF AMERICA, }
District of Texas. }

The President of the United States of America to the Marshal of the District of Texas, or any of his lawful Deputies, greeting:

Whereas Maria Josefa Cavazos and Estefana Goseascochea de Cortina, late in our District Court of the United States for the District of Texas, held at Galveston, to wit, at the January Term of our said Court, of the year of our Lord one thousand eight hundred and fifty-four, recovered against Simon Mussina a certain tract or parcel of land described as follows, that is to say, one undivided moiety of a tract of land situated in the county of Cameron and State of Texas, and bounded as follows, to wit: Beginning at a point on the Laguna Madre where a line drawn due west from a point eight thousand varas due north of the extreme northeastern point of Point Isabel, so called, would, if produced, strike the

main land on the western shore of the Laguna Madre, thence running west eight thousand varas, thence south to the Rio Grande, thence along the left bank of the Rio Grande to its mouth, and thence along the coast of the Gulf of Mexico and the said Laguna Madre to the place of beginning; whereof the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina was on the first day of January, 1849, possessed, and on which said day the said Simon Mussina, with force and arms entered in and upon said premises, and upon the possession of them the said Maria Josefa Cavazos and Estefana Goseacochea de Cortina, and then and there did them eject, whereof the said Simon Mussina now stands convicted as appears to us of record.

And whereas they, the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina did at the said term of our said Court recover against the said Simon Mussina, the sum of one cent for their damages, and the further sum of four hundred and ninety-five dollars and fifty-four cents for their costs, which to them, the said Cavazos and Cortina, was then and there adjudged.

These are therefore to command you, as you have at many times been commanded, that of the goods and chattels, lands and tenements, of the said Simon Mussina, you cause to be made the said several sums of money, also the further sum of two dollars and fifty cents costs which have accrued since the rendition of said judgment, together with all legal fees and commissions for collecting the same. And have you the said moneys before us at the clerk's office of our said Court so that you render the same to the said Cavazos and Cortina, on or before the first Monday of January next.

You are also hereby further commanded, as often before you have been, that you cause the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina to have their possession of the said before described tract or parcel of land and appurtenances thereto, so that they peaceably and quietly hold and enjoy the same. And do you make known at the next term of our said Court, to be held at the city of Galveston, on the first Monday of January next, how you have executed this writ: Herein fail not and due return make of this writ.

Witness the Hon. John C. Watrous, Judge of said Court, and and seal of said Court, done at the city of Galveston, this 31st day of March, A. D. 1856.

L. S.]

JAMES LOVE, *Clerk.*

And thereupon endorsed is the return of the marshal, which is in the words and figures following, to wit:

Marshal's Return.

Received April the 1st, A. D. 1856, and on the 14th day of July, A. D. 1856, after ascertaining that the said defendant Simon

Mussina was not a resident of the State of Texas, and had not so far as could be known an agent, I levied this execution on all the right, title and interest of the said defendant Simon Mussina, in and to a lot of ground number ten in block number eighty-nine, in the city of Brownsville, county of Cameron, State of Texas, said lot having fifty feet front and one hundred and twenty feet deep, according to George Lyon's map of the said city of Brownsville, together with all the improvements thereon, to wit: A frame house used as a printing office, and also the right, title and interest of the said defendant Simon Mussina, in and to two printing presses standing in the said house. The said levy being made by my taking actual possession of the said premises and the two printing presses aforesaid, in the presence of Nestor Magan and J. R. Parker, both residents of the said county of Cameron as witnesses, and by placing the said premises and presses in the possession of my bailiff Nestor Magan, who received it under this levy, and thereupon I advertised the said lot and improvements, and the said two printing presses for sale in accordance with law by posting up three advertisements on the 16th day of July, A. D. 1856, one of said advertisements being posted at the court house door of the county of Cameron, the second at the door of the post office of the said city of Brownsville, the third at the door of Webb & Miller's tavern or hotel, also in the said city of Brownsville, the same being three public places in the said county of Cameron; in which advertisements I gave notice that I would sell the right, title and interest of said Simon Mussina in said lot and improvements, and the said two presses so levied on, to the highest bidder for cash, at the court house door of the said county of Cameron, on the 1st Tuesday of August, 1856, being the 5th day of said month, between the hours of ten o'clock, A. M. and four o'clock, P. M.; and in front of the court house door of the said county of Cameron, I proceeded to offer all the right, title and interest of the said Simon Mussina, in and to the said lot and improvements for sale, whereupon William G. Hale became the highest and best bidder for the price of seventy dollars ($70;) and thereupon consecutively upon the said day and between the said hours and offered for sale all the right, title and interest of said Simon Mussina, in and to the said two printing presses, whereupon William G. Hale became the highest and best bidder for the price of two hundred and forty dollars ($240) and the said lot and improvements and the said two printing presses were knocked off and adjudged to him, and the said William G. Hale having paid to me the said sums of money to wit: three hundred and ten dollars I have made to him a deed of the said property in accordance with law.

BEN. McCULLOCH,
U. S. Marshal for the District of Texas,
By GEORGE DYE, his Deputy.

And afterwards, to wit: on the twenty-fifth day of March, of the year of our Lord one thousand eight hundred and fifty-seven, a writ of possession, issued herein, which is in the words following, to wit:

Plu. Plu. Writ of Possession.

THE UNITED STATES OF AMERICA, }
Eastern District of Texas. }

The President of the United States of America to the Marshal of the Eastern District of Texas, or any of his lawful deputies, greeting:

Whereas, Maria Josefa Cavazos and Estefana Goseascochea de Cortina, late in our District Court of the United States for the District of Texas, held at Galveston, to wit, at the January term of said Court, A. D. 1854, recovered against Simon Mussina a certain tract or parcel of land, described as follows, that is to say: One undivided moiety of a tract of land, situated in the County of Cameron, in the State of Texas, and bounded as follows, to wit: Beginning at a point on the Laguna Madre, where a line drawn due west from a point eight thousand varas, due north of the extreme north-eastern point of Point Isabel, so called, would, if produced, strike the main land on the western shore of the Laguna Madre, thence running west eight thousand varas, thence south to the Rio Grande, thence along the left bank of the Rio Grande to its mouth, and thence along the coast of the Gulf of Mexico and the said Laguna Madre to the place of beginning, whereof the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina was, on the first day of January, A. D. 1849, possessed, and on which said day the said Simon Mussina, with force and arms, entered in and upon the said premises, and upon the possession of them; the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina, and then and there did them eject, whereof the said Simon Mussina stands convicted, as appears of record.

And whereas they, the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina, at the said term of our said Court, recovered against the said Simon Mussina the sum of one cent for damages, and the further sum of four hundred and ninety-five dollars and fifty-four cents for their costs, which to the said Cavazos and Cortina was then and there adjudged.

These are, therefore, to command you, as you have at many times been commanded, that of the goods and chattels, lands and tenements, of the said Simon Mussina, you cause to be made the said several sums of money; also, the further sum of three dollars and sixty cents costs, which have since accrued herein, together with all legal fees and charges for collecting the same.

You are, also, hereby further commanded, as often before you

have been, that you cause the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina to have their possession of the said before-described tract of land and appurtenances thereto, so that they peaceably and quietly hold and enjoy the same. Herein fail not, and have you then there this writ.

Witness, the Honorable John C. Watrous, Judge of said Court, and the seal thereof, at the city of Galveston, this twenty-fifth day of March, A. D. 1857.

[SEAL.]

JAMES LOVE, *Clerk.*

And thereupon endorsed is the return of the Marshal in the words and figures following, that is to say:

Marshal's Return.

April 30th, 1857. Returned not executed by order of plaintiff's attorney.

BEN. McCULLOCH, *U. S. M.*,
by JAS. H. CLEVELAND, *Dep.*

And afterwards, to wit: on the third day of June, of the same year, there was issued herein a writ of possession, which is as follows, to wit:

2. *Plu. Plu. Writ of Possession.*

THE UNITED STATES OF AMERICA,
Eastern District of Texas.

The President of the United States of America to the Marshal of the Eastern District of Texas, or any of his lawful deputies, greeting:

Whereas, Maria Josefa Cavazos and Estefana Goseascochea, late in our District Court of the United States for the District of Texas, held at Galveston, to wit, at the January term thereof, A. D. 1854, recovered against Simon Mussina a certain tract or parcel of land, described as follows, that is to say:

One undivided moiety of a tract of land, situated in the County of Cameron, in the State of Texas, and bounded as follows, to wit: Beginning at a point on the Laguna Madre, where a line drawn due west from a point eight thousand varas due north of the extreme north-eastern point of Point Isabel, so called, would, if produced, strike the main land on the western shore of the Laguna Madre, thence running west eight thousand varas, thence south to the Rio Grande, thence along the left bank of the Rio Grande to its mouth and thence along the coast of the Gulf of Mexico and the said Laguna Madre to the place of beginning, whereof the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina were, on the first day of January, A. D. 1849, possessed, and on which said day the said Simon Mussina, with force and arms, entered in and upon the said premises, and upon the possession of them; the said Maria Josefa Cavazos and Estefana Goseaschochea de Cortina,

and then and there did them eject, whereof the said Simon Mussina now stands convicted, as appears to us of record.

And whereas they, the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina, at the said term of our said Court, recovered against the said Simon Mussina, the sum of one cent for damages, and the further sum of four hundred and ninety-five dollars and fifty-four cents, for their costs, which to them, the said Cavazos and Cortina, was then and there adjudged, as is of record.

These are, therefore, to command you, as you have many times before been commanded, that you cause the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina to have their possession of the said before described tract or parcel of land, with the appurtenances thereto, so that they peaceably and quietly hold and enjoy the same.

And you are hereby further commanded, as you have often before been, that of the goods and chattels, lands and tenements, of the said Simon Mussina, you cause to be made the said several sums of money, also the further sum of four dollars and sixty cents costs, which have since accrued herein, with what legal fees and commissions you may have for collecting the same. And have you the said moneys before us at the clerk's office of our said Court, so that you render the same unto the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina, on or before the first Monday in December next, and have you then and there this writ, certifying how you have executed the same.

Witness the Honorable John C. Watrous, Judge of said Court, and the seal thereof, at the City of Galveston, this third day of June, A. D. 1857.

[SEAL]

JAMES LOVE, *Clerk.*

And thereupon endorsed is the return of the Marshal, in the words and figures following, that is to say:

Marshal's Return.

Received June 4th, 1857.
Not executed by reason of directions from plaintiff's attorney.

BEN. McCULLOCH, U. S. M.,
by J. A. H. Cleveland, Deputy.

And afterwards, to wit, on the fifteenth day of February, of the year of our Lord one thousand eight hundred and fifty-eight, a writ of possession was issued herein, which is as follows, to wit:—

3. *Plu. Plu. Writ of Possession.*

THE UNITED STATES OF AMERICA,
Eastern District of Texas.

The President of the United States of America to the Marshal

of the Eastern District of Texas, or any of his lawful deputies, greeting:

Whereas, Maria Josefa Cavazos and Estefana Goseascochea de Cortina, late in our District Court of the United States, for the District of Texas, holden at Galveston, recovered against Simon Mussina, at the January Term thereof, A. D. 1854, a certain tract or parcel of land, described as follows, that is to say,

One undivided moiety of a tract of land, situated in the county of Cameron, in the State of Texas, and bounded as follows, to wit: Beginning at a point on the Laguna Madre, where a line drawn due west from a point eight thousand varas due north of the extreme northeastern point of Point Isabel, so called, would, if produced, strike the main land on the western shore of the Laguna Madre, thence running west eight thousand varas, thence running south to the Rio Grande, thence along the left bank of the Rio Grande, to its mouth, and thence along the coast of the Gulf of Mexico and the said Laguna Madre, to the place of beginning, whereof the said Maria Josefa Cavazos and Estefana Goseascochea was, on the first day of January, A. D., 1849, possessed; at which said day, the said Simon Mussina, with force and arms, entered into and upon the said premises, and upon the possession of them, the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina, and then the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina did eject, whereof the said Simon Mussina now stands convicted as appears to us of record.

And whereas, they, the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina did, then and there, to wit, at the said term of our said Court, recover, against the said Simon Mussina, the sum of one cent for his damages, and the further sum of four hundred and ninety-four dollars and seventy-four cents, for their costs, which, to the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina was then and there adjudged, as appears to us of record.

You are, therefore, hereby commanded, as you have many times before been commanded, that you cause the said Maria Josefa Cavazos and Estefana Goseascochea to have their possession of the said above described moiety of the said tract of land, and the appurtenances thereto, so that they peaceably and quietly hold and enjoy the same.

And you are also hereby commanded, as you have often before been commanded, that of the goods and chattels, lands and tenements of the said Simon Mussina, you cause to be made the sum of one cent for damages, and the further sum of four hundred and ninety-four dollars and seventy-four cents, for costs, to them, the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina, adjudged as aforesaid, and have you the said moneys before us, at the Clerk's office of our said Court, with eight $\frac{5}{100}$ dollars costs, which have since accrued herein, with also the legal fees

and charges you may have for collecting the same, so that you render the same to the said Cavazos and de Cortina, on or before the return day hereof. Herein fail not, and due return make hereof, certifying how you have executed the same, on or before the first Monday of May next.

Witness the Honorable John C. Watrous, Judge of said Court, and the seal thereof, at the city of Galveston, this fifteenth day of February, A. D., eighteen hundred and fifty-eight, and of the independence of the United States of America the eighty-second.

[L. S.] JAMES LOVE, *Clerk.*

Judgment costs, ...	$492.72
Damages, ...	.01
Costs of Writs.	8.05
Return fees on 7 writs, ...	3.50
	$506.30

And thereupon endorsed is the return of the Marshal in the words and figures following, that is to say:

Marshal's Return.

MARIA JOSEFA CAVAZOS, *et al.*, *vs.* SIMON MUSSINA. } 3 Plu. Plu. No. 619.

Writ of Possession and Execution for costs received February 15th, A. D., 1858.—As to the writ of Posession, four hundred and fifty miles from Galveston, on the 2d day of March, A. D., 1858, on said day, I proceeded, accompanied by John Treanor, attorney in fact, and agent for the plaintiffs in the suit, and by Sterling E. Langdon, James Connor, and others, to Point Isabel, which is situated upon the tract of land described in this writ, and then and there levied the same aloud, and formally delivered and gave actual possession of one undivided moity of all the lands described in this writ, and the appurtenances thereto, unto the said John Treanor, attorney in fact, and agent of plaintiffs, in this suit, which possession the said John Treanor formally accepted for plaintiffs.

I further return that on the 5th day of August, 1856, under and by virtue of a former writ of possession and execution in this cause, to me directed, I sold at Marshal's sale, at public outcry, certain property described in the return made on said writ, which was levied upon by me as the property of Simon Mussina, on the fourteenth day of July, A. D., 1856, which said property brought the sum of three hundred and ten dollars, from which sum I deducted the sum of fifty dollars and thirty-five cents, being the Marshal's fees, etc.; leaving the sum of two hundred and fifty-nine dollars and sixty-five cents net proceeds, which sum I paid to Wm. G. Hale, attorney for plaintiffs. I further return that I find no

property on which to make the further costs due upon this writ or any part thereof.

BEN. McCULLOCH, U. S. M.,
For the Eastern District of Texas,
BY GEO. DYE, *his Deputy.*

And afterwards, to wit, on the sixteenth day of August, of the same year, a writ of possession and execution for costs, issued herein from the Clerk's office, as follows, to wit:

4 *Plu. Plu. Writ of Possession.*

THE UNITED STATES OF AMERICA, }
Eastern District of Texas. }

The President of the United States of America, to the Marshal of the Eastern District of Texas, or any of his lawful deputies: Greeting.

Whereas, Maria Josefa Cavazos, and Estefana Goseascochea de Cortina, late in our District Court of the United States for the District of Texas, holden at Galveston, recovered against Simon Mussina, at the January term thereof, A. D., 1854, a certain tract or parcel of land, described as follows, that is to say:

One undivided moiety of a tract of land, situated in the County of Cameron, State of Texas, and bounded as follows, to wit: Beginning at a point on the Laguna Madre, where a line drawn due west from a point eight thousand varas due north of the extreme north-eastern point of Point Isabel, so called, would, if produced, strike the main land on the western shore of the Laguna Madre, thence, running west eight thousand varas, thence south to the Rio Grande, thence along the left bank of the Rio Grande to its mouth, and thence along the coast of the Gulf of Mexico, and the said Laguna Madre, to the place of beginning. Whereof, the said Maria Josefa Cavazos, and Estefana Goseascochea de Cortina, was, on the first day of January, A. D., 1849, possessed, at which said day, the said Simon Mussina, with force and arms, entered in and upon the said premises and upon the possession of them, the said Maria Josefa Cavazos, and Estefana Goseascochea de Cortina, and them, the said Maria Josefa Cavazos, and Estefana Goseascochea de Cortina, did eject, whereof the said Simon Mussina now stands convicted, as appears to us of record.

And whereas, they, the said Maria Josefa Cavazos, and Estefana Goseascochea de Cortina, did then and there, to wit, at the said term of our said court, recover against the said Simon Mussina, the sum of one cent for his damages, and the further sum of four hundred and ninety-four dollars and seventy-four cents for their costs, which, to the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina, was then and there adjudged, as appears to us of record.

And whereas, it appears by the return of the Marshal, that he

had delivered the possession of the same to John Treanor, the agent of the plaintiffs, according to the command of the writ.

Now, therefore, you are hereby commanded that of the goods and chattels, lands and tenements, of the said Simon Mussina, you cause to be made the sum of one cent for damages, and the further sum of four hundred and ninety-four dollars and seventy-four cents for costs, to them, the said Maria Josefa Cavazos, and Estefana Goseascochea de Cortina, adjudged as aforesaid, and have you the said moneys before us, at the Clerk's office of the said Court, with thirteen dollars and twenty cents, which have since accrued herein, with also the legal fees and charges you may have for collecting the same. So that you render the same to the said Cavazos and de Cortina, on or before the first Monday in December next, the return day hereof. Herein fail not, and due return make, certifying how you have executed this writ.

Witness Honorable John C. Watrous, Judge of said Court, and the seal thereof, at the city of Galveston, this 12th day of [SEAL.] August, A. D., 1858, and of the Independence of the United States of America, the 83d year.

JAMES LOVE, *Clerk.*

This execution is entitled to a credit of $259 35, of date of 5th August, 1856, as by Marshal's return.

JAMES LOVE, Clerk.

And afterwards, to wit, on the first day of February, of the year of our Lord, one thousand eight hundred and fifty-nine, an execution for costs issued herein, which is in the words and figures following, to wit:

5 *Plu. Plu. Execution, etc.*

THE UNITED STATES OF AMERICA,
Eastern District of Texas.

The President of the United States of America to the Marshal of the Eastern District of Texas, or any of his lawful Deputies, Greeting:

Whereas, Maria Josefa Cavazos and Estefana Goseascochea de Cortina, late in our District Court of the United States, for the District of Texas, at Galveston, recovered against Simon Mussina, at the January Term thereof, A. D., 1854, a certain tract or parcel of land described as follows, that is to say:

One undivided moiety of a tract of land situated in the County of Cameron, in the State of Texas, and bounded as follows, to wit: Beginning at a point on the Laguna Madre, where a line drawn due west, from a line eight thousand varas due north of the extreme northeastern point of Point Isabel, so called, would, if produced, strike the main land on the western shore of the Laguna Madre, thence running west eight thousand varas, thence

south to the Rio Grande, thence along the left bank of the Rio Grande to its mouth, and thence along the coast of the Gulf of Mexico and the said Laguna Madre to the place of beginning.

Whereof, the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina, was, on the first day of January, A. D., 1849, possessed, at which said day the said Simon Mussina, with force and arms, entered into and upon the said premises and upon the possession of them, the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina, and them the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina, did eject, whereof the said Simon Mussina now stands convicted, as appears to us of record.

And whereas, they, the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina, did then and there, to wit, at the said town of our said Court, recover against Simon Mussina, the sum of one cent for his damages, and the further sum of four hundred and ninety-four dollars and seventy-four cents for their costs, which, to the said Maria Josefa Cavazos, and Estefana Goseascochea de Cortina, was then and there adjudged, as appears to us by record. And whereas, by return of the marshal on a former writ of possession, that he had delivered possession of the same to John Treanor, the agent of the plaintiffs, according to the command of the writ.

Now, therefore, you are hereby commanded, that of the goods and chattels, lands and tenements of the said Simon Mussina, you cause to be made the sum of one cent for damages, and the further sum of four hundred and ninety-four dollars and seventy-four cents for costs, to them the said Maria Josefa Cavazos, and Estefana Goseascochea de Cortina, adjudged as aforesaid. And have you the said moneys before us at the clerk's office of our said Court, with fourteen dollars and ninety-five cents, which have since accrued herein, with also the legal fees and charges you may have for collecting the same, so that you render the same to the said Cavazos and de Cortina, on or before the first Monday in May next, the return day hereof. Herein fail not, and due return make, certifying how you have executed this writ.

Witness the Hon. John C. Watrous, Judge of said Court,
[L. S.] and the seal thereof, at the City of Galveston, this 1st day of Feb'y, A. D., 1859, and of the Independence of the United States of America the eighty-third year.

JAMES LOVE, Clerk.

And afterwards, to wit, on the same day and year, came the defendant, by his attorney, and filed his Petition herein for an appeal, which is in the words and figures following, to wit:

Petition.

UNITED STATES OF AMERICA,
Eastern District of Texas.

MARIA JOSEFA CAVAZOS and ESTEFANA GOSEASCOCHEA DE CORTINA, Plaintiffs,
vs.
SIMON MUSSINA, Defendant.

Law No. 134.

To the Hon. John C. Watrous, Judge of the District Court of the United States for the Eastern District of Texas:

The Petition of Simon Mussina respectfully represents, that at a term of the United States District Court for the District of Texas, begun and holden on the first Monday of January, in the year of our Lord one thousand eight hundred and fifty-four, at Galveston, your Honor presiding as Judge, and holding said Court, on the 24th day of February, A. D., 1854, in a certain cause wherein Maria Josefa Cavazos and Estefana Goseascochea de Cortina were plaintiffs, and Simon Mussina defendant, a final judgment was rendered in said Court, the highest Court in which a decision could be had; that the value of the property in said suit was more than two thousand dollars exclusive of all costs; that said judgment was final; that the decision of said Court was adverse to the right, title and interest of the defendant, your Petitioner, and that it so appears of record.

Now Petitioner prays that a writ of error may be granted to him, and that he may have the proceedings and record of said cause carried to the Supreme Court, and the numerous errors which are there contained revised and corrected, and the erroneous judgment against him in said cause reversed. And further prays that the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina, as also their Attorneys of Record, Ebenezer Allen and W. G. Hale, be cited to be and appear at the next regular term of the Supreme Court of the United States, to be held at the City of Washington, in the District of Columbia, on the first Monday of December next, A. D., 1859, to show cause, if any they can, why the errors apparent in the above entitled and numbered cause should not be revised and corrected, and the judgment therein be reversed.

And Petitioner files herewith and tenders bond for costs in the sum of five hundred dollars, duly executed to the said plaintiffs, the said Maria Josefa Cavazos and the said Estefana Goseascochea de Cortina. And Petitioner prays for all such other and further orders as may be necessary, etc.

SIMON MUSSINA.
By his *Attorney*, DANL. D. ATCHINSON.

And on the same day and year a Bond was filed herein, which is in the words and figures following, to wit:

Bond.

Know all men by these presents that we, Simon Mussina as principal, and Albert Ball and E. P. Hunt are held and firmly bound unto Maria Josefa Cavazos and Estefana Goseacochea de Cortina, in the full and just sum of five hundred dollars, to be paid to the said Maria Josefa Cavazos and Estefana Goseascochea de Cortina, their certain attorney, executors, administrators or assigns, to which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally by these presents, sealed with our seals, and dated this 31st day of January, in the year of our Lord one thousand eight hundred and fifty-nine.

Whereas lately at a term of the United States District Court for the District of Texas, begun and holden at the City of Galveston on the first Monday of January, in the year of our Lord one thousand eight hundred and fifty-four, in a suit depending in the said Court between Maria Josefa Cavazos and Estefana Goseascochea de Cortina, plaintiffs, and Simon Mussina, defendant, a judgment was rendered against the defendant, and the said Simon Mussina having filed in the Clerk's office his petition for a writ of error to the Supreme Court of the United States to reverse the judgment in the aforesaid suit, and a citation directed to the said Cavazos and De Cortina, citing and admonishing them to be and appear at a Supreme Court of the United States, to be holden at Washington on the first Monday of December next.

Now the condition of the above obligation is such, that if the said Mussina shall prosecute his said writ of error to effect, and shall answer all damages and costs if he fail to make his plea good, then the above obligation to be void; otherwise to remain in full force and virtue.

ALBERT BALL, [SEAL.]
E. P. HUNT, [SEAL.]
SIMON MUSSINA, [SEAL.]
By his *Attorney*, DANL. D. ATCHISON.

Signed, sealed and delivered in presence of
JOHN ADRIANCE.
FENNO D. BALL.

Approved,
JOHN C. WATROUS.

And afterwards, to wit, on the second day of February, of the same year, a writ of error issued herein from the Clerk's office of our said Court, in the words and figures following, that is to say:

Writ of Error.

The United States of America, *ss.*

[SEAL.] The President of the United States of America, to the Judge of the District Court of the United States for the Eastern District of Texas. Greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said District Court before you, in which Simon Mussina is plaintiff in error, and Maria Josefa Cavazos and Estefana Goseascochea de Cortina are defendants in error, a manifest error hath happened to the great damage of the said Simon Mussina, as by his complaint appears. We being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then under your seal, distinctly and openly, you send the record and proceedings aforesaid, together with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at the city of Washington on the first Monday of December next, in the said Supreme Court to be then and there held, that the record and proceedings being inspected, the said Supreme Court may cause further to be done therein to correct that error, what of right, and according to the laws and customs of the United States, should be done.

Witness the Honorable Roger B. Taney, Chief Justice of the said Supreme Court, at the city of Galveston, this 2d day of February, A. D. 1859.

JAMES LOVE,
Clerk of Dist. Ct. U. S., at Galveston.

Allowed by
JOHN C. WATROUS.

And in the same day and year a citation issued herein, which is in the words and figures following, to wit:

Citation.

The United States of America, *ss.*

[SEAL.] The President of the United States of America, to Maria Josefa Cavazos and Estefana Goseacochea de Cortina, or Ebenezer Allen and William G. Hale, the Attorneys of Record of said Cavazos and de Cortina.

Greeting:

You are hereby cited and admonished to appear at a Supreme Court of the United States of America, to be holden at Washington, on the first Monday of December next, pursuant to a writ of error filed in the Clerk's office of the District Court of the United States of America, for the Eastern District of Texas, at Galveston,

wherein Simon Mussina is plaintiff in error, and you are defendants in error, to show cause, if any there be, why the judgment rendered against the said Simon Mussina should not be reversed, and speedy justice done to the parties in this behalf.

Witness the Honorable Roger B. Taney, Chief Justice of said Supreme Court, at the city of Galveston, this 2d day of February, A. D. 1859.

JOHN C. WATROUS.

And thereupon endorsed is the Marshal's Return of said citation, which is in the words and of the tenor which follows, that is to say:

Marshal's Return.

Received February 2, 1859.

And on the same day I executed this citation by giving Wm. G. Hale, Esquire, a true copy hereof, and on the 8th day of said month, and said year, I further executed this said citation by giving Ebenezer Allen, Esq., a true copy of the same.

BEN. McCULLOCH, *U. S. M.*
by J. A. H. CLEVELAND, *Deputy.*

The United States of America.
District Court of the United States,
Eastern District of Texas, at Galveston.

I, James Love, Clerk of the District Court of the United States of America for the Eastern District of Texas, at Galveston, certify that the foregoing one thousand and forty-three pages (exclusive of the index and this certificate), contain a true and perfect transcript of the record and all the proceedings had in the cause numbered 134, on the Law Docket of said Court, in which Maria Josefa Cavazos and Estefana Goseascochea de Cortina are plaintiffs, and Simon Mussina is defendant.

[SEAL.] In testimony whereof I hereunto set my hand and affix the seal of said Court at the city of Galveston, this twenty-third day of November, A. D., one thousand eight hundred and fifty-nine, and of the Independence of the United States of America the eighty-fourth.

JAMES LOVE, *Clerk.*

Dec. 23. 18

Supreme Court,

OF THE UNITED STATES.

SIMON MUSSINA,
Plaintiff in Error,

against

MARIA JOSEFA CAVAZOS AND ESTEFANA G. DE CORTINA,
Defendants in Error.

Error to District Court of Texas.

Points for Plaintiff in Error.

J. W. EDMONDS, *Of Counsel.*

NEW YORK:
WM. C. BRYANT & CO., PRINTERS, 41 NASSAU STREET, CORNER LIBERTY.

1866.

Wm. C. Bryant & Co., Printers, 41 Nassau Street, cor. Liberty. N. Y.

Supreme Court

OF THE UNITED STATES.

Simon Mussina,
Plaintiff in Error,
agt.
Maria Josefa Cavazos and Estefana Goseascochea De Cortina,
Defendants in Error.

This was an action brought by the defendants in error in the U. S. District Court for the Eastern District of Texas.

The petition filed by the plaintiffs below was in trespass to lands therein described, of which the said plaintiffs aver they "were seized of their demesne as of fee," and they ask for judgment for the possession and recovery of the land, and $3,000 damages. (Record, page 1.)

The defendant pleaded not guilty.

There was no notice endorsed on the petition that the action was brought as well to try title as for damages.

There were originally eight persons named as plaintiffs. Five of them asked for and obtained an order that the suit be dismissed as to them, because they had not authorized the suit, and had previously conveyed all their undivided interest to the defendant, so that he was tenant in common with the plaintiffs.

One other of these plaintiff—Rafael Garcia Cavazos—the husband of Maria Josefa Cavazos, died during the pro-

gress of the action, and the action was continued thenceforth to the end in the names of the above defendants in error as the "surviving plaintiffs."

Upon the dismissal of the action, as to the five original plaintiffs, the defendant moved a dismissal of the whole action. That motion was denied, and an exception was taken.

On the trial, the jury found a verdict for the "surviving plaintiffs," for an undivided moiety of the premises. A motion in arrest of judgment was made on that account, which was denied, and an exception taken.

The action went down to trial as an action of ejectment, and not merely as trespass on land. When that appeared, a motion was made to dismiss the action because there had been no notice endorsed on the petition, which motion was denied, and an exception taken.

The plaintiffs then, and after the trial had begun, and a jury had been empanelled, were permitted to amend their petition by endorsing such notice upon it. To that also an exception was taken.

It was shown in the progress of the cause, that the plaintiff below, Cortinas, was, at the commencement of the action, a citizen of Texas and of the United States of America, and not, as alleged in the petition, a citizen of the State of Tamaulipas, one of the United Mexican States.

A motion founded on that fact was denied, and an exception taken.

On the trial a large number of depositions were offered in evidence by the plaintiffs below, some of which were objected to because not taken in conformity with the laws of Texas. Those laws require that, in taking depositions on Letters Rogatory, the interrogatories must be filed and notice thereof with a copy of the interrogatories, be served on the opposite party. That was omitted, but the Court overruled the objection and admitted the evidence to which an exception was taken.

Record, p. 199.

Sundry wills and other documents were offered in evidence for the plaintiffs below, to the admission of which sundry objections were made, but the objections were over-

ruled, and the testimony admitted, to which there was an exception taken.

Record, pp. 269, 315, 323, 324, 328, 332.

The depositions and documents which were in the Spanish language had been translated by one of the attorneys for the plaintiffs, and that translation put on file, in compliance with the orders granting the Letters Rogatory, and was read to the jury as proper evidence.

The use of such translation was objected to by the defendant below; the objection overruled, and the translation read. To this also there was an exception.

The question involved in the merits was as to the eastern boundary line of a grant made by the Spanish Government many years ago. The plaintiffs below claiming that it ran from the mouth of the Rio Grande along the shore of the Gulf of Mexico and the Laguna del Madre to the mouth of the Arroyo Colorado, and the defendant below insisting that it began at the "Tanque," near the bank of the Rio Grande, and about eighteen miles west of the mouth of that river and ran from thence due north to the Arroyo Colorado.

The first mentioned claim would include in the grant proved Point Isabel; the latter would exclude it, and that was the subject matter of dispute on the merits in the case.

The finding of the jury was "for the surviving plaintiffs as to one undivided moiety of the land as described in the petition." (Record pa., 154.)

Whereupon, the Court rendered judgment for the "remaining plaintiffs" for an undivided moiety of the land described in the petition. (Record pa., 160.)

A motion was made in arrest of judgment, and also a motion for a new trial, both of which were denied and exceptions taken. (Record pa., 154.)

It was proved on the trial that the original grant made in 1781, was according to a survey then had by government officers stating the area. The easterly line claimed by the defendant below would give that quantity of land, while that claimed by the plaintiffs below would include nearly as much again, both parties agreeing upon the northern, western, and southern lines.

The land included in the grant was described as the Potrero of the Espiritu Santo, and it hence became a question on the trial what was meant by that term?

And hence the proper translation of the phrase became too important to be safely entrusted to the attorney of one of the parties.

So of the word "Linderos," also used in the grant. It became important to ascertain its meaning—the plaintiffs below claiming that it meant a "natural boundary," such such as the shore of the Gulf and the Laguna and so their attorneys translated the term in the grant, and the defendant below insisting that it meant simply a boundary line, whether such as nature had made, or a surveyor had run out.

The history of the grant and the conditions of the questions involved, were as follows:

It was proved in the case that by the laws of Mexico, a man wanting to take up vacant land belonging to the Government presents a petition to the Judge of the district, (this is called denouncing it) whereupon a survey is ordered and made and adjoining owners are cited—the quantity is ascertained and its price settled. This is forwarded to the governor, who approving, issues to the denunciant "title of adjudication and property" and the alcalde of the district is ordered to put him into possession.

Record, pages 476 to 483.

Pursuant to such law the plaintiffs claim that their ancestor Don Jose Salvador de la Garza, obtained title to the

whole tract described in the pleadings, under the following circumstances :

In 1771 he squatted on the western portion of the premises and cut a passage through its western line which was a dense thicket.

In 1777 Don Jose Narcisso Cavazos applied for a grant of the northern part of the tract which was denied because of Garza's possession.

In 1781 Garza applied for a grant, and a survey was ordered.

Record, page 446.

The object of that survey was to determine the boundaries and ascertain the area, and to fix the price.

Record, pages 477, 478, 480, 482.

The survey was accordingly had and all the details of it are set forth in the case.

Record, pages 393 to 467.

From that survey it appears that the eastern line began at the " Tanque," eighteen miles above the mouth of the Rio Grande and run thence north to the mouth of the Colorado, leaving Point Isabel and the shore of the Gulf of Mexico far to the east and touching the Laguna only at one point, where it was formed by the waters of the Colorado, and where it was known as the Laguna of the Sea, and not the Laguna del Madre.

Record, page 401.

The line thus running from the " Tanque" to the mouth of the Colorado was the second line run in the survey and was a straight line. The first line was ordered to begin and did begin at a watering place on the Rio Grande, on the line of the thicket, and run thence east " along the meanders of the Rio Grande down the stream."

Record, page 402.

In calculating the area of the whole tract, the land between the first line above mentioned and the left bank of the Rio Grande was included but the land between the se-

cond line above mentioned and the shore of the Gulf and the Laguna was not included.

Record, page 402, 404, 405.

All throughout the testimonio of title the grant is spoken of as being made according to the survey—*linderos que espresan los medidas*,— "boundaries which the survey states."

Record, pp. 409, 410, 412, 461, 464.

And so throughout the whole of the testimonio the track is spoken of as fifty-nine sitios (de ganado Mayor or square leagues) and eleven cavallerias, and in the survey, which forms a part of the testimonio, it is said, that "the said "surveyor having already made a calculation for this pur- "pose of the bends and elbows which the said Rio Grande "forms, belonging to the first line, he declared, that *in* "*these last and under the four said lines* were contained "fifty-nine square leagues (sitios de ganado Mayor) eleven "and one half cavallerias of land." Thus clearly excluding from the area any land between the east line and the bends and elbows of the Gulf and the Laguna del Madre.

Record, page 405.

The testimony in conflict with this is that of a very imperfect survey and a guess at the area from that.

Record, page 492.

And an attempt to give to the words *potrero* and *linderos* special meanings, whereby the natural boundary or outline of the sea shore shall be understood instead of the line run by the surveyor.

Under charge of the Court the jury rendered a verdict for the surviving plaintiffs for an undivided moiety of the lands described in the petition.

Judgment was rendered therefor, and a motion in arrest of judgment was denied.

POINTS.

First Point.

The action was to recover the whole premises, by the eight plaintiffs, as owners in common.

As soon as five of them were discharged from the case, on the ground that their alleged ownership was vested in the defendant, the action became one of tenants in common against a co-tenant for an undivided interest.

In this form the action thenceforth proceeded, the verdict, the judgment and the writs of possession were all for an "undivided moiety."

And all this without any proof of actual ouster.

One tenant in common cannot recover in ejectment of his co-tenant without proof of an actual ouster, because the entry and possession of one is the entry and possession of all.

Roscoe on Real Estate, 502, 574, 582, 513.
Barritz *vs.* Casey, 7 Cranch., 456.

This defence was available on a motion in arrest of judgment.

Second Point.

The statutes of Texas require that in actions of trespass brought to try title to lands, there shall always be endorsed on the petition a notice to that effect.

And those statutes also allow all pleadings to be amended at any time before the parties announce themselves ready for trial, and not thereafter.

In this case there was no notice endorsed on the petition, and a motion to dismiss the action on that account was denied. (Record, p. 162.)

After the parties had gone to trial before the jury, and after reading a part of their evidence, the Court allowed an amendment to the petition by endorsing the notice. (Record, p. 172.)

There were thus two violations of statutory enactments, to which the defendant excepted.

By these amendments the whole character of the action was changed from trespass to ejectment—from trespass demanding damages and possession to a real action trying the title. (Record, p. 2.)

Third Point.

Several of the depositions introduced in evidence by the plaintiffs below were improperly admitted.

They were taken on letters rogatory under the laws of Texas, and were admitted upon an affidavit of one of the attorneys for the plaintiffs, that he had given verbal notice that his interrogatories had been filed. (Record, p. 199.)

There was no pretence that a written notice had been given, or that a copy of the interrogatories had been served.

The taking of this testimony was *strictimissi juris*, and all the requirements of the law must be strictly complied with, to warrant the admission of what were strictly *exparte* depositions.

1 Green's Ev., § 323.
Beal *vs.* Thompson, 8 Cranch, 70.
Bell *vs.* Morrison, 1 Peters, 355.
Nelson *vs.* U. S., 1 Pet. C. C. R., 235.

All the testimony thus improperly admitted, was of high importance. It will be found in the Record, pp. 199 to 268.

Pasch. Annotated Ed. p. 608
Art. 3730. 3726.

Fourth Point.

Sundry documents were admitted in evidence, which were not property proved.

1. As to the will of Dona Gertrudis de la Garza Falcon. (Record, page 275.

All that is proved is, that it is a "fait hful copy" of her will. (Rec., p. 268.)

But whether the paper copied from is a genuine will is not proved in any form.

2. As to the marriages of Dona Falcon and of her daughter Dona Francisca Javiera de la Garza. (Record, pages 286, 288) of Dona Maria J. Carvazos. (Rec. p. 292); and as to the death of Blas Maria de la Garza, (Rec. p. 291,) of Dona Francisco Javiers Garza. (Record p. 291) of Dona Francisca Cavazos. (Rec. p. 292.)

All the evidence there is, is as to the handwriting of Parish Priests who gave the certificates. (Rec., p. 282.

3. As to the will of Don Blas Maria de la Garza. There is in like manner nothing but evidence that it is a "faithful copy"—but there is no evidence that such a will was ever executed or admitted to probate or recorded.
(Rec. p. 301, 268, 307.

Fifth Point.

The translations made by the attorney for one of the parties, were improperly received.

Those translations were, in many respects, erroneous.

1. The Spanish word *Derame* used by the surveyor as designating an important point in the lines run, is not translated at all. (Record pages 376, 402.)

2. The word *Linderos* where it occurs in the Grant or

testimonio of Title, is translated " natural outlines" or " natural boundaries :" Thus implying that the eastern line is the natural one of the Gulf and the Laguna and not the line run by the surveyor, some 15 or 18 miles inland.

But wherever else the word occurs it is translated differently, viz. : as " boundaries," " corner" and " landmarks."

Record pages 213, 230, 231, 395, 402, 377, 403, 382, 408, 410, 412, 415, 461, 464, 466, 477, 478, 480, 482.

3. Some of the documents were not translated because the attorney who translated, deemed it unnecessary. (Record page 355)

4. As to the will of Donna Francisca Cavazos, the same remarks apply.

Record, pp. 324, 328.

5, As to the partitions among the heirs of Donna Francisca Cavazos,

Record, pp. 332, 351.

There is no evidence, except that it is a copy,

Record. p. 363.

Or rather, that the signature to the certified copy is genuine.

Record, p. 364.

In regard to all these documents, there was no evidence of genuineness or identity, but only that the papers produced and read were " faithful copies" from the archives.

Nor was there any evidence given, that their being in the " archives," was any evidence of authenticity.

But simply, that the paper read in evidence was a copy of a paper in the archives.

Nor is there any evidence that the offices from which these papers came, were proper depositories of such records.

1 Greenl. Ev. §§ 483-4-5, note 4.

Sixth Point.

The motions in arrest of judgment and for a new trial, ought to have been granted:

I. Because, in an action to recover an entirety, a judgment could not be rendered for an undivided part.

II. Because the construction of the grant (or Testimonio of Title) was a matter of law, and the jury ought not to have been permitted to render a verdict against the legal meaning of the grant, and having done so, the judgment thereon ought to have been arrested.

The expression of quantity is descriptive and controlling where the boundaries are doubtful. (1 Gr. Ev., 11th Ed., § 301, n. 2.)

III. Because, by reason of the residence and citizenship of the parties, the Court had not jurisdiction.

Matter intrinsic appearing on the face of the record, which would render it erroneous, is ground of arresting it.
Bingham on Judgments, 71.

J. W. Edmonds,
Of Counsel for Plaintiff in Error.

Wm. C. Bryant & Co., Printers, 41 Nassau Street, cor. Liberty, N. Y.

U. S. Supreme Court.

MUSSINA,

vs.

CAVAZOS.

Points for Plaintiff in Error as to the Eastern Boundary.

The plaintiff's claim rests entirely on these two grounds:

1. That "Linderos" means natural boundary.

2. That "Lagunes" includes the whole shore into which these salt water lakes intrude.

To this we answer:

I. *As to "Linderos,"*

In the translations, given in evidence in this case, various meanings are given to it, but always when used in regard to the East line, it is translated "Natural Boundary."

In support of this, two considerations are urged for plaintiffs:

1. The testimony of an expert that it does mean natural boundary.

Undoubtedly it does, but he does not say it does not mean anything else, but he does say it means also any *visible* boundary.

2. The other consideration urged, is that Linderos is used in reference to the natural boundaries of the Rio Grande and the Colorado, and therefore means no other line in any of the boundaries.

But it is used just as often in reference to the east and west lines, as run out by the Surveyor.

For instance, it is translated as:

"Natural boundaries," on pages 410, 415, 466.
"Natural outlines," pages 395, 412, 461, 464.
"Natural landmark," pages 402, 377, 403.
"Landmark," page 213.
"Boundaries," pages 230, 231, 395, 382, 408, 482.
"Exteriors," page 477.
"Exterior outlines," page 478.
"Outlines," page 480.
"Line," page 482.

This is the manner in which "Linderos" is used in the translation of the grant and the testimony.

The animus of this mistranslation is manifest from the manner in which "Derame" is used by the translator.

Its original meaning is leakage, as applied to the wine vat or wine cask.

It is used here to signify a low piece of ground into which the water leaks from the adjoining Lagune or river.

Such a spot was found at or near the Tanque, on the Rio Grande, and was referred to in the survey to help mark that corner of the grant.

At that time (1781) it was called "Derame."

Now that word seems to be dropped, but the witnesses describe a low marshy spot at or near the Tanque.

The word is abandoned, in common parlance, and *not translated* at all in this case;

Probably for the purpose of leaving out the idea of leak-

age and carrying the low marshy spot to the mouth of the Rio Grande,

Where the marshy spots are made by overflow, and not by leakage.

So as to the word "Lagune."
It means "Lake."

When was it first applied to the Sound formed by Padre Island and Brazos San Jago (like our Long and Staten Islands), which extends from Corpus Christi to the mouth of the Rio Grande?

Other similar formations on that Coast are not so called.

Thus such a one at the mouth of the Upper Colorado is known as Matagorda Bay.

And similar ones at Galveston are called East Bay, West Bay and Galveston Bay.

Neuces Bay, at the mouth of the Neuces River.

Aranzas Bay, at the mouth of the Aranzas, and Corpus Christi Bay, on the same outlet.

I do not mean to say that such beds of water were never called Lagunes or Lakes, but as they were as often called Bays, Bahia—Brazo de Mar—(hence in this very bed of water, Brazos Santiago)—or Estrecho —Straights—so it becomes important to inquire when this Sound was first called a Lagune?

The Court is called upon to say that it was so called as early as 1781.

Of that there is no evidence in this case.

But there were beds of water there, which are always called Lagunes.

They are formed sometimes from the inflow of the ocean—sometimes from water from the interior, and sometimes from both.

But they are mostly surrounded by land—sometimes entirely so, with only an outlet to the sea.

Now, in our case, there were just such beds of water inside the Sound, or Laguna De Madre, as it is now called, and they were formed as much from the waters of the Rio Grande, the Arroyo Colorado, and other small streams, (as shown on the maps), as by the inflow of water from the sea.

And, therefore, the question is, which of these beds of water was intended or referred to in the proceedings out of which plaintiff's title flows?

In answering that question, we may have recourse to other considerations, and to those I will next proceed.

First.

The great object is to ascertain the intention of the parties to the grant; and I shall keep that constantly in view in my examination of their acts at and subsequent to the grant.

Second.

The *petition* for the grant was for land down to the "Lagunes of the sea."

N. B.—Not to the Laguna del Madre, but to the Lagunes of the sea.

Cass, pages 369, 395.

The *survey* was of land down to the Tanqne, then across the head of the most interpenetrating of the Lagunes to the Colorado.

And the real question is, for what was the grant?—for the land petitioned for, or the land surveyed and paid for?

Third.

The grant itself answers this question by frequently referring to the "line or boundary, as the survey states."

Linderos *que espresan las medidas.*

It is not, it is true, that such is the expression always used in the proceedings of the grant.

But it is the language in the following instances:

Page 410.—In awarding the grant by Gamboa, "the special judge of sales."

July 29, 1780.

Page 409.—In the report of the Attorney of the Treasury recommending the grant.

July 22, 1780.

Page 412.—In the report of Don Merino recommending the grant and the exaction of an additional $2.00 per sitio.

Page 413.—And its confirmation by the Regent Villaruttia.

December 11, 1780.

Page 461.—In the final award of the grant by Gamboa.

Page 464.—And in the final confirmation of the sale as recommended by Gamboa.

Made on the 18th July, 1781, "by the President, Regent, and Oydores of the Royal Audience of New Spain."

Page 465.—And the order of Montabran, "Royal and Provincial Notary to the Royal Officers of the Royal Treasury and Chest of this Court."

To receive of Garza $2.00 "for each sitio *of the* 59, which Gamboa, Special Judge of Land and Waters, had adjudicated and granted to him by way of sale."

Now, under this state of things, could Garza have claimed against the government anything outside of and beyond the "boundary which the survey states"?

And if not against the government, how could he against any one else?

Fourth.

The survey is explicit in excluding from it all land east of the line running north from the Tanque.

According to the Spanish law, when an application is made to Government for public lands, it is referred to a neighboring Alcalde to make an inspection.

That was done in this case, and the particulars of that inspection, running through several days, are very fully reported.

Case, pages 394 to 406.

The survey began at a point on the Rio Grande, which the judge below very properly held to be a corner established by the grant, to wit, "a watering place where the Rio Grand forms a corner with the fence running from the north to the south, which is the line of the thicket which comes from arroyo Colorado."

Our case, pages 401, 452.
Trevino case, page 276.

From that point, they ran the first line east, down the Rio Grande to the Tanque.

Case, page 402.

From the Tanque, they ran the next line straight north, (*recta el norte*) and to the head of one of the Lagunes of the sea, others being seen to the east.

Went around that first one and various others that succeeded, communicating with each other, till they "came

into a bend or little pocket which the said Lagunes make;" "there being no more land on account of our having reached the Lagunes Madres, and having nothing before us but water," &c.

Case, pages 402, 403.

(Note here.—That which was *then* known as Lagunas Madres, was those formed by the Colorado.)

Case, page 403.

Then the other two lines were run.

And the land between the lines as run along the Colorado and the Rio Grande, and the sinuosities of those streams were taken into the account in ascertaining the quantity, but nothing of that kind was done as to the land between the east line and the windings of the coast.

The object of this survey was not, as it is claimed by the plaintiff, merely to ascertain the quantity; it was mainly to ascertain boundaries.

See the report of the survey and the testimony of the experts.

Cases, pages 477, 480, 482.

Such being the object of the survey, and such the minuteness of the "inspection," and the survey being thus incorporated into and recognized repeatedly in the grant, how can it be claimed that anything was granted except by the survey or

Per linderos que espresan las medidas?

Fifth.

But there is yet another feature in these Spanish proceedings that can aid us.

Their law contemplates a giving of possession to the

grantee after a grant, a livery of seizure, as the common law would call it. This is termed juridical or judicial possession.

This Court has held that such judicial possession is controlling as to boundaries.

Malarin *vs.* U. S., 1 Wallace, 282.
U. S. *vs.* Supelveda, Ib., 108.

Ordinarily such possession is given after the grant.

But it was proven in this case, as a part of Spanish law, that where the grantee was in possession, his acceptance of the survey on the "inspection" had all the effect of a judicial possession.

Case, page 477, 479.

Such acceptance by Garza, after the survey was made, was proved in this case.

Case, page 457.

There was therefore a "judicial possession," according to the boundaries (*Linderos*) as we claim them, which was entitled to all the efficacy granted to any such possession.

Sixth.

The acquiescence of Garza in the line as we claim it, is an important element in the case.

1. He was present at the "inspection" in 1781, had upon his application for a grant, attended the survey every day, and himself signed the protocol of each day's proceedings of the inspection and survey.

Case, pages 451 to 457.

2. He was present at and signed the "acceptation" of the land as surveyed, signifying that he was content, and "expressed his compliance, and accepted the said *potrero*."

Case, page 457.

3. He, and those claiming under him, occupied, according to that survey, for a period of some fifty or sixty years.

It cannot be said that this was done in ignorance of the fact how the line was run, for as a "party interested," he was present at its running, and signed the survey.

Case, page 402.

4. Such acquiescence is an admission.

1 Greenl. Ev., § 197.

Seventh.

There are well established rules of construction as to premises conveyed which may be invoked in this case. They control in the following order:

1. Natural boundaries.

2. Lines run and monuments placed.

3. Adjoining tracts.

4. Corners and distances.

5. Practical construction by the parties.

6. The quantity.

The 3d and fourth items have no application in this case, All the others agree with our construction, and have already been considered, except those connected with monuments and quantity.

I. As to monuments.

At the point of the Tanque, where the east line started to run north, the Alcalde and his inspecting party placed a monument, and ordered Garza to "establish a more exact fixed mark," which he agreed to do.

Cruise says (2 Greenl. Cruise, 639, n. 7—that such monuments are superior even to plans, surveys, courses, and distances.

II. As to quantity.

1. It will be observed that the grant is for fifty-nine *sitios* within certain boundaries, and not of a tract within certain boundaries, containing fifty-nine *sitios*.

2. The quantity is made up by including the windings of the Rio Grande and the Colorado, but not the windings of the Lagunes or sea-coast.

3. The price paid was not a round sum for the whole tract, but a certain sum per *sitio*.

Note the discussion whether the price should be $8, or $10, or $20 per *sitio*, and not whether it should be $472, $590, or $1,180.

Case, pages 406, 408, 410, 412, 413, 414.

4. The quantity is controlling where the boundaries are doubtful.

1 Greenl. Ev., 11th Ed., § 301, n. 2.
2 Greenl. Cruise, 640, n.
Kirkland *vs.* Way, 3 Rich, 6.
Pierce *vs.* Fauna, 31 Maine, 67.

"Where the other terms of the description are not sufficiently certain and demonstrative, the quantity becomes an essential part of the description."

"In the absence of a more definite description, or other monument, the quantity must govern in the construction."

Eighth.

All these things are aids to help us get at the intention of the parties. But we may go farther, and inquire what was the intention in fact.

In making that inquiry, we discover—

1. The land was wanted by Garza as a Rancho for breeding cattle.

2. As surveyed, it was 28 miles long by 18 miles wide, and was then at its eastern boundary, from 12 to 15 miles from the mouth of the Rio Grande.

3. The Thicket, the Rio Grande, the Colorado, and the Lagunes were valuable chiefly as barriers to keep the cattle from escaping.

4. The land east of the surveyed line was covered with water, subject to inundations, so that people had to be taken off in boats, and produced nothing but a coarse salt grass, and was of no value to the rancho, except as a barrier or outer fence.

And it was that, whoever owned it.

Besides, there was no watering place upon it—all the water there being brackish.

Case, pages ———.

5. And when Garza took so much pains to get the price

for the other land reduced, it was not at all likely that he was willing to pay for eighteen sitios which could be of no use to him and of no value.

6. And it is a fair presumption that he readily not only acquiesced in, but was anxious for a line that should exempt him from paying for those eighteen square leagues of useless, valueless land.

It will be borne in mind, that any value there now is the product of the last forty of the past ninety years.

7. And, therefore, it was that he accepted the judicial possession of the land within the line of the survey.

8, the partition among the heirs of Garza in 1802 X

Ninth.

Now, let it be observed, how much in conflict with all this is the claim of the plaintiffs, on which they have been permitted te recover.

1. They claim to the mouth of the Rio Grande, and thence along the coast of the Gulf of Mexico, &c.
Case, page 2.

2. The verdict was for the land, as claimed in the petition.
Case, page 154.

3. The judgment thereon was for the same land.
Case, page 160.

4. And their writs of possession were all for land down to the coast of the Gulf of Mexico.
Case, pages 504 to 518.

XX The Grants of the Protreros of San Martin, Santa Isabel & Buena Vista in 1829

Now, one of two things is manifest:

Either that the "coast of the Gulf" is outside of the Islands Padre and Brazos Santiago, and thus the plaintiffs recover those islands, or else that "coast" is the inner shore of the Sound, and therefore not the shore of a Lagune; and the Lagunes are the intrusions of the water into the land from that coast.

The latter is what we claim. The former is the plaintiff's claim, and thus the Court can readily judge which is best supported by the grant.

Tenth.

Construction of a grant is a question of law for the Court, and not one of fact for a jury; and, therefore, any error in the judgment on that point is good ground for the arrest of judgment.

The Judge ought to have instructed the jury what was the construction of the grant; but, whether he did so or not, the verdict having been against the clear legal construction, it is an error apparent on the record, for which the judgment ought to have been arrested.

J. W. Edmonds,
Of Counsel for Plaintiff in Error.

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Supreme Court of the United States,

Number 6.

Simon Mussina,
Plaintiff in Error,
vs.
Maria Josefa Cavazos and Estefana Goseascochea de Cortina,
Defendants in Error.

In Error to the District Court U. S., for the Eastern District of Texas.

This is an action in ejectment brought by Rafael Garcia Cavazos, and others, against Simon Mussina, for the lands of Point Isabela, Texas. The petion sets forth eight plaintiffs, as owners in their demesne as of fee of a certain tract of land known as the "Espiritu Santo Grant," which the defendants in error claim as including within its boundaries the lands of Point Isabel. The defendant moved the Court, that the said suit be dismissed, as the same had been instituted by the counsels Allen & Hale, without the authority of at least five of the eight plaintiffs. Rec., p. 9. Motion of the defendants sustained, as to five of the said plaintiffs. Rec., p. 20.

An order of dismissal was made and entered by the Court, Rec. p. 20, dismissing as to all of the plaintiffs, except Rafael Garcia Cavazos, deceased, (before the trial) Josefa Cavazos and Estefania Goseascochea de Cortina.

The defendant moved to dismiss the cause, as it was a mere action of trespass, that by the dismissal of plaintiffs the cause abated and for further caus e that no amendment had been made to the petition setting forth who remained plaintiffs in this cause. Rec., pp. 160, 161.

Motion overruled, and further exception.

The defendant by his attorney suggested the death of Rafael Garcia Cavazos, and asked a continuance of the cause in order to make the representatives of the said deceased plaintiff, a party in conformity to Art. 697, Hartley's Digest. (Oldham & White's Dig., 537.)

Whereupon it was insisted by the attorney of plaintiffs, that the cause of action to the other plaintiffs survived, and it was ruled by the Court, that the cause of action survived to the other plaintiffs, and refused to continue the cause to make the party. To which ruling the defendant excepted. Rec. 161.

By the petition Rafael Garcia Cavazos was one of the owners in his demesne as of fee, he or his legal representatives was a necessary party.

The jury found thus: Rec., pp. 153–4.

" We the jury find for the *surviving* plaintiffs as to one " *undivided* moiety of the land described in the petition " as amended."

The judgment of the Court was " That the said *remain-* " *ing* plaintiffs do recover of and from the said defendant " one *undivided* moiety of the tract of land described in " the petition as amended; to wit: One *undivided moiety* " of (describing the entire tract of land)" Rec., p. 160.

The Clerk deciding who were the " remaining," plaintiffs, issued writ of possession to *two* of the plaintiffs Josefa Cavazos, and E. G. de Cortina, for one undivided moiety. Rec., p. 504.

3 Rergers, 426. (See Auths.)

The Marshal (Rec., p. ,) found it difficult to execute this writ, that is to " levy " on and deliver an undivided moiety. Therefore the writ of possession and seven alias writs, extending from 1854, to 1857, were returned " not executed." Rec., pp. 505, 6, 8, 9, 11.

In 1857, the Marshal made the following return:

"I proceeded accompanied by John Treanor, attorney, "in fact, and agent of the plaintiffs in this suit, and by "Sterling E. Langdon, James Conner, and others to Point "Isabel, which is situated upon the tract of land described "in the writ, and these *levied the same aloud*, and formally "delivered and gave *actual* possession of an *undivided* "moiety of all the lands described in the writ and the ap- "purtenances thereto, unto John Treanor, attorney in fact, "and agent of the plaintiffs in this suit, which posses- "sion the said agent formally accepted." Rec., p. 515.

We respectfully ask this Honorable Court, if such proceedings are not mere mockery; and we further ask what has become of the interest of Rafael Garcia Cavazos, whom the record shows to have been a remaining plaintiff?

The petition has not been amended as to ownership; it still remains ownership in eight parties to an entire tract of land.

Thus it is clearly evident that by the dismissal of the five plaintiffs, and the unsuggested death of Rafael Garcia Cavazos, all without corresponding amendments in the petition, and the judgment rendered thereunder, the Court divested itself of jurisdiction, and consequently all proceedings subsequently to the dismissal of the five plaintiffs and the unsuggested death, of Rafael Garcia Cavazos, were absolutely null and void.

For the Court to grant a judgment in favor of, or against a surviving party, it is absolutely necessary for the petition to allege affirmatively by proper averments, or at least that such averments should appear in connection with the suggestion of the death of the party, that the interest of such deceased party, mentioning it specifically, survived to some certain other party to the suit. Oldham and White, Digest of Texas Laws, article 535, provides that where the cause of action survives to all the remaining plaintiffs, upon the death of one or more of them, the suit shall not abate therefor, but such death shall be suggested upon the record and the suit shall proceed in the name of the surviving plaintiff or plaintiffs.

By article 537 of the same Digest, when a plaintiff dies before verdict, if the cause of action survive, (not to a co-

plaintiff,) the suit shall not abate by such death, but such death shall be suggested upon the record, and the legal representative of the deceased shall be brought in and made party before such suit can proceed.

The defendant submits that the petition is silent as to any allegations of survivorship of the deceased Rafael Garcia Cavazos. He sues in his own name, in common with the other plaintiffs of a *seizin* in his *demesne* as of fee, and we say, that it is irregular to have taken a judgment in favor of the surviving plaintiffs, with no allegation in the petition pointing to the specific disposition of the interest of this deceased plaintiff. If any other evidence of irregularity or even nullity of this judgment were required than simply to present these circumstances to the notice of the Court, a reference to article 425 of the said Digest, would amply expose it, which provides, that a petition shall contain," a full and clear statement of the cause of action, and such other allegations pertinent to the cause, as shall be deemed necessary to sustain the suit, and also a full statement of the nature of the relief sought of the Court." Now, the defendant submits, in view of these several enactments and circumstances, that the judgment of the Court must be regarded as founded solely upon the allegations of the petition and the prayer for relief; that without an apt and proper amendment to the petition in connection with the death of R. G. Cavazos, with a corresponding paper for the specific relief sought, the Court could not by right and justice authorize a judgment engrossing the entire interest of a co-equal, co-plaintiff, in favor of his survivors to the suit.

These are matters addressed to the jury, and must therefore be embraced in the petition as involving the grounds of plaintiff's demand, and enabling the defendant on his part to answer specially, should he deem it expedient.

The defendant submits, in this connection, that the verdict of the jury, a general finding for the "*surviving plaintiffs*," as to one undivided moiety of the land described in the petition without finding that the deceased plaintiff had or had not any interest whatever, and the Court seems to have stumbled over this dilemma in rendering judgment in favor of the "*remaining* plaintiffs," for the undivided moiety, and

thus leaving the interest of the deceased plaintiff unexplained and undisposed of.

Plaintiffs cannot recover an undivided moiety when he claims an entirety.

Gilbert on Ejectments, 54–61.
1 Harris & Gils' Repts., 172.
7 Vernon, 140; 4 Stewart, 375; Adams on Ejectment, 328.

"Undivided moiety" is not such an interest as would give a right to the action of ejectment, because in that action there must be such a description of the land claimed as will enable the sheriff to deliver possession after judgment. (Ib.)

One tenant in common cannot support a joint action in ejectment. (Ib.)

Exception Rec., 163. The defendant offered the affidavit of Stephen Powers, Esq., for a continuance of the cause, which the Court ruled to be insufficient, to which ruling the defendant excepted.

Affidavit of S. Powers.

RAFAEL GARCIA CAVAZOS *et al.*,
Plaintiffs,

vs.

SIMON MASSINA,
Defendant at Law, 134.

In the District Court of the United States for the District of Texas, Galveston, January Term, A. D. 1854.

Stephen Powers, one of the attorneys for the defendant in the above entitled and numbered cause, being first duly sworn, maketh oath and says: That Rafael Garcia Cavazos, late one of the plaintiffs therein, departed this life in the latter part of the year of our Lord A. D. 1852, or in the early part of A. D. 1853, and some time before the last term of this Court at this place; and yet, that so far as affiant is concerned, is informed and believes, no steps have been taken on the part of the plaintiffs to make the heirs or the legal representatives of said Cavazos parties to the suit.

Affiant further states, that Ovid F. Johnson and Joseph A. Sweet, who were the leading counsel for the defendant in this suit, some time since, removed from the State of Texas. That the latter has departed this life, and the former has ceased to have any connection with this suit; and that affiant, who for some years past has been the general attorney of the defendant, as to all his matters of business existing in the vicinity of Brownsville, has been specially employed to defend this suit.

Affiant further states, that on an examination of the papers in this cause, at this term, the first that has occurred since he was specially employed as aforesaid—he has ascertained that it will be necessary to the defence thereof to have the testimony of a large number of witnesses, many of whom are personally well known to affiant, who reside at Brownsville, and in the vicinity near which place the land described in the petition is situated.

Affiant further states, that he knows the said witnesses are material, and that by means of them he expects to prove facts that will make a valid defence in this suit.

Affiant further states, that as said witnesses reside for the most in the county of Cameron, which is alleged in the petition to be the county of residence of the defendant, and which is near the City of Matamoras, in which city Josefa Cavazos, one of the plaintiffs, resides, and Rafael Garcia Cavazos, in his lifetime, resided.

That it would save much cost, and conduce to the speedy trial of this suit, to remove the same to the branch of this Court, held at Brownsville, in the county of Cameron aforesaid, where affiant resides, and that if it is so removed, it is material that time should be afforded to obtain the evidence of the witnesses aforementioned.

Affiant further states, that he has been informed by divers of said witnesses, to wit, by Miguel Salinas and others, that Estefana Goscopochia de Cortina, one of the plaintiffs in this suit, was born in what is now the county of Cameron, and has resided there ever since her birth, and is a citizen of Texas, and not of the Republic of Mexico.

Affiant further states, that he verily believes that such is the fact, and that at the time of the commencement of this suit said De Cortina was a citizen of the United States of America, and of the State of Texas. Affiant further states, that he is informed, and verily believes, that neither the defendant, nor the counsel previously employed by him, were hitherto aware that said De Cortina was a citizen of the State of Texas when this suit was commenced, and that this suit was brought in fraud of the jurisdiction of this Court.

Affiant further states, that this application is not made for delay, but that justice may be done, and further affiant saith not.

S. Powers.

Subscribed and sworn to before me, 20th January, 1854,

James Love,
Clerk.

The statutes of Texas, Article 439, Oldham & White's Digest, provides for two classes of continuances; for a first continuance, if the cause of continuance be for want of testimony material to the cause, the party applying for the same shall make affidavit that he has used due diligence to procure said testimony stating such diligence. For a second continuance, if the cause of continuance be the want of testimony material to the case, the same shall be shown, and that the party applying has used due diligence to procure such testimony and state such diligence, the cause of failure, if known; that the testimony cannot be obtained from any other source; and if it be for the absence of a witness, he shall state the name and residence of the witness, and what he expects to prove by him.

Considering the condition of this case at the time it was called for trial, incomplete as to parties as before stated, forced to trial at Galveston, notwithstanding the order of Court removing it to Brownsville (Record, p. 144), the defendant submits that this affidavit presents ample right to the continuance prayed for.

Record, p 172, Exception.

The plaintiffs, after the parties had gone to trial before the jury, and after reading a part of the evidence, then asked leave of the Court to amend their petition by endorsing on the same "this action is brought as well to try title "as for damages," to which amendment the defendant objected on the ground that such amendment would change the character of the action pending trial from a mere action of trespass to an action of trespass to try title, and on other grounds, and that it would operate a legal and also a real suprise upon the defendant, which objections were overruled by the Court, to which ruling of the Court the defendant excepted."

Oldham & White's Digest, Art. 2039.

"In actions of trespass brought to try titles to land, the "plaintiff or his attorney shall *always* endorse on the ori- "ginal (and copy, (and copy' repeated) petition that the "action is brought as well to try the title as for damages;

" and the said actions shall be tried on their merits con-
" formably to the principles of trials by ejectment."
Oldham & White's Digest, 434.

" That the pleadings in all suits may be amended under
" the direction of the Court, and upon such terms as it
" may prescribe, at any time before the parties announce
" themselves ready for trial, and not thereafter."

Were plaintiff in ejectment allowed to bring a suit for mere trespass, and on discovering who composed the jury, and possibly the animus of the jury, to amend so as to try title, it would certainly be a new phase in judicial proceedings.

The defendant submits, in this connection, that the evidence of this fact could be made no more patent by a thousand affidavits than the departure, arbitrary in this instance, by the Court, from positive enactments of the Legislature of Texas, which dictate a rule of decision in actions of ejectment, and is therefore satisfactorily connected with the rule of property in Texas, it being a positive and special requirement of the law in actions for the trial of the right of real property that the petition shall contain an endorsement that " the action is brought as well to try the title as for damages."

The defendant further submits that this required endorsement upon the petition is as much an essential ingredient of the same, as though the law should require a statement of the same substance in the body of the petition; and that therefore the Court, by equal positive enactment, is prohibited from allowing amendments to the petition or pleadings after the cause is called for trial.
Oldham & White's Digest, 434.

And he submits, in this connection, that by the laws of the United States, " United States Statutes at Large, p. " The practice of the Court below which tried this cause, is bound by the law of Texas in this behalf. And here the defendant is led to ask, in view of all these circumstances so monstrous in themselves, as palpable violations of the

law, he may not justly be said to have suffered a surprise in their perpetration.

Exception, p. 199.

The plaintiffs offered in evidence 18 depositions. (See Rec. p. 193 to p. 269,) taken under Letters Rogatory, in Mexico, in the Spanish language, with their translations, to the reading of which depositions the defendant objected, because there existed no legal authority for taking testimony in this manner, and because legal notice was not served upon the defendant of the filing of interrogatories to take such depositions, and because this defendant had not the opportunity to file cross-interrogatories. Whereupon, Wm. G. Hale, Esq., the attorney of plaintiffs, read his affidavit in the cause, which is as follows :

Rec'd p. 141.

" I, William G. Hale, one of the attorneys of the plain-
" tiffs in the above entitled cause, being duly sworn, depose
" and say : That on the tenth day of February, 1850, and
" after filing *the* sets of interrogatories *marked* filed, of that
" day, I called at the residence of Joseph A. Swett, one of
" the attorneys of the defendant, and informed him that I
" had filed *the* interrogatories, and that he could cross-ex-
" amine if he thought fit.

(Signed)

WM. G. HALE."

Sworn and subscribed before me, 31st May, 1851,

JNO. S. JONES,
U. S. Commr.

To which affidavit the defendant also objected as insufficient.

The Court overruled the objections of the defendant, and the depositions were read in evidence to the jury.

By-laws of Texas—Oldham & White's Digest. Art. 455 and 552—

" The parties desiring to take the testimony of witnesses residing beyond the limits of the State, must file his interrogatories in the Court where the suit is pending, and serve

a notice with a copy of such interrogatories upon the opposite party, his agent or attorney; such notice shall state that he will apply to the clerk of such Court for a commission to take the answers of the witnesses named to such interrogatories; also where the witnesses reside and the suit in which the deposition is to be used."

Art. 661—same Dig.—" No paper shall be considered as filed in a cause unless the clerk shall have endorsed thereon, the day on which it was filed, and sign his name thereto."

" A file is a record of the Court—1 Litt. 'n. 112. Burr Law Dic., Tit. " File."

It will be noticed that this affidavit of Wm. G. Hale, Esq., *read* by himself in the trial of this cause, was made May, 1851. The trial was in January, 1854—thus it was nearly three years before the trial—for what object it was made—or what office it performed in its day the record does not disclose. Had verbal notice been sufficient this affidavit is made so carefully evasive—that perjury could not be easily assigned—this is unquestionably prevarication—mere shuffling. The affiant does not say what interrogatories he filed, but those " marked filed on that day." One of our exceptions is, that none of the papers in the case were filed nor marked "filed."

He did not give the notice at the office of Johnson & Swett, but at the residence of Joseph A. Swett—at the time this affidavit was used on the trial Joseph A. Swett was dead—(See affidavit of S. Powers, Recd. p. 163-4)—but Johnson was living—as no cross-interrogatories had been put by defendant's counsel, Johnson & Swett, to about forty witnesses, to whom these interrogatories were put, and under which, *eighteen* depositions had been taken, it might not be entirely safe to have charged notice on living counsel. The affidavit does not inform us how long these interrogatories remained on file, whether an hour or a month.

Why should not paintiff's counsel have followed the requirements of law in giving a written and usual notice in such cases.

The defendant submits that this matter is involved in something more than simple mystery, and is a proceeding entirely unheard of in legal precedents.

This whole case rests upon the affidavits of this counsel, Wm. G. Hale. (*See* Rec., pp. 136, 139, 141, 142, 151.) He went to Mexico with a roving commission to take depositions, of which we had no notice. He was present in Mexico when they were taken. He was the custodian of these depositions in returning them to the Court at Galveston; they were not endorsed or filed when returned; and there is no means possible by which the identity of the papers returned can be ascertained.

"Under the order of the Court" this affiant, Wm. G. Hale, made all the translations. (See Rec'd., pp. 208, 217, 227, 238, 259, 279, 284, 293, 323, 324, 358, 363, 418, 460, 483.); which translations were, when compared with their originals, as we shall presently show, false in their most important particulars.

The defendant, in connection with this exception, reiterates, the same allegations and objections, that the action of the Court in this behalf was directly against law, unjust and oppressive toward this defendant as departing from the direct enactments of the State of Texas, which prescribe rules of proceeding, independent of the mere discretion of Court, and which control its action.

Oldham & White's Digest, Art. 455, 452, 561, 2039.

United States Statutes at Large.

Exception Rec. p. 269. The Plaintiffs offered in evidence:

1st. A Copy of the will of Maria Gertrudes de la Garza Falcon, with the translation.

2d. Deposition with the translation of Jose Maria Rodriquez; copies of marriages and burials annexed to deposition of Rodriquez.

3d. Copy of the will of Blas Maria de la Garza. (two copies, with translations.)

4th Paper marked D, copy of Decree Don Juan Prado, with translation.

5th. Deposition with translation of Joaquin Arguelles.

6th. Copy of the will of Maria Francisca Cavazos.

7th. Deposition, with translation of Juan Nepomuceno Molano, and copy of Testimony of title, with translation.

To all of which the defendant objected, because none of said documents were marked filed in the cause, and for the special objections in writing attached to each of said documents.

The reading of all these documents was pecifically objected to, on the ground that they were not attached to or sufficiently described in interrogatories.

They were not endorsed nor identified as the documents exhibited to the witnesses.

They were not the original papers contained in the several packages addressed to the Court.

Rec'd—pp. 269, 293, 300, 308, 323, 324, 328, 332.

"Whereupon, John S. Jones, called as a witness, on the "part of the plaintiffs; testified that he is a 'deputy clerk "of this Court; has had in his custody the papers filed in "this cause, and that in Chancery between Rafael Garcia "Cavazos and others *vs.* Charles Stillman and others, (No. "41), that the papers contained in each package of Depo- "sitions in both causes, were taken from such packages "when opened, and marked with a number corresponding "to the number placed on the envelope of the package; "that he recognizes all the papers connected with the "said depositions as the original papers, so marked, as hav- "ing been taken by the *Clerk* ftom the original packages; "he has seen them and handled them a great many times, "and made copies of most of them, and he has *no doubt* that "the papers offered by the plaintiffs in evidence as hereafter "set forth, are the original papers contained in the several "packages of depositions returned, and in this cause and "the cause above mentioned."

This witness makes oath, that the *Clerk* of the Court took the papers from the original packages. Why was not the clerk examined?

The witness says that he has "*no doubt*" —he may have no doubt and still not know.

The counsel attempts to identify these papers as the papers which he returned to the Court with the depositions, by the affidavit of a deputy clerk, who did not open the envelopos containing the depositions and accompanying papers, and consequently could not have knowledge on the subject.

But it is sufficient for us that the papers were not filed. "Depositions, after being returned to Court may be "opened by the clerk, at the request of either party or his "counsel; and the clerk shall endorse on such deposi-"tions, upon what day, and at whose request they were "opened, signing his name thereto, and they shall remain "on file for inspection."—Oldham & White's Dig., Art. 461.

What hollowness is there not in a cause which requires the files and records of a Court to be verified by verbal proof, in view of the fact that the statute of Texas has specifically excluded this species of proof by requiring all papers to be marked filed, with the date of filing and the signature of the clerk—and none others to be taken as such —Oldham & White's Dig., Article 561.

Does the plaintiff's counsel ask this Court to decide that the Circuit Court, who tried this cause, had no fixed rules to limit its actions?

Does this same counsel, by this proceeding, ask this Court to remit the binding details as safeguards, which the law has justly thrown about the taking of this class of testimony?

We will now call the attention of the Court to the "*special* objections" to a few only of these papers. The first will be the purported testament of Maria Francisca Cavazos, through which Rafael Garcia Cavazos and wife claim two-thirds of the moiety awarded to the plaintiffs—the exceptions are special and general, and for "cause apparent."

This document, so important in this cause, has not one of the solemnities prescribed by law to constitute a testament.

1st.—It is not signed by the testatrix nor by any person for her.

2d. It has no instrumental witnesses (of course it could not have, not being signed).

3d. It contains no date when executed.

4th. It contains no place where executed.

5th. It appears to be the draft of a testament not executed.

6th. It is not, nor does it purport to be an original, or testimonio issued cotemperaneously with any *matrix*—it is not an authorized copy, or copy taken from any *public* archive.

7th. It purports to be simply the act of one Ramon Garcia, styling himself Alcalde, but no proof has been offered that he was an Alcalde at the time of the purported signing, or that he signed the document, or that such a man as Ramon Garcia ever existed: as the will contains no date, an interrogatory could not be put as to the official character of Ramon Garcia, at the time of signing, as we have no time given.

8th. It has not been probated, nor in any manner recognized as a will in Mexico; no judicial action has taken effect in regard to it.

S. 4, Tit. 2, Partidas 6 Escriche, "Testamento."

9th. It is not authenticated nor proved in such a manner as to authorize it to be archived or registered,—it being a mere private paper.

Jarmen on Wills, p. 71.
Bour. Dic. "Probate."

10th. It was not proved, as required by the registration laws of Texas, and was no evidence of title to land.

Ibid.

11th. The copy was not taken from any protocol or register, but from a "paper writing" contained in a "package" deposited in the office of the Corporation.

12th. It is not a sworn copy, nor a compared or corrected copy.

13th. The dates "1818" and "1819" in the certificate of the notary to the copy, are in figures and not in letters, the penalty for which is nullity of the instrument, and to pay damages to the party prejudiced.

L. 7, Tit. 19, Partidas 3.

14th. It is not written on sealed paper, and the certificate omits the usual statement of the number of legal leaves it contains.

L. 5, Tit. 24, Lib. 10, Noc. Rec.

15th. It was not attached to the interrogatories. It was not attached to the depositions when returned. It was not endorsed or sufficiently identified as the paper shown the witness Arguelles, the only witness examined in regard to it. The Judge or Commissioner taking the deposition of this witness should have identified said document by signing his name on the same, and referring to it in some way, so as to remove all doubts as to its identity.

16th. This paper does not emanate from the proper office to give it faith and credit. This document has been suffered to remain among the papers of the Corporation of Matamoros "in a package" unstamped of any judicial character, nothing to give it an ear-mark, nothing to notify outside parties, or heirs of the existence and character of such a document, here suffered to remain we may reasonably suppose from its entire deformity, silently obscure, for thirty-six years, to suit the covert purposes of those who seek to give it life to divert the course of justice from its proper channel. A paper purporting to be a copy made by Antonio Escovedo, once a notary in Matamoras, is sought to be foisted upon the credulity of this Court, as an act containing within itself public faith, without any pre-

tence of its being an archive of his office, without accounting for its coming to his possession. Which Notarial Act (if genuine), so far from being legal and valid, was from the day of its issuance directly the contrary, and subjected the notary "to the penalty of making null his said certificate, loss of his office, incapacitated to hold office, and to damages occasioned thereby.

L. 1, y 6, Tit. xxiii, Lib. 10, Nuero Recopilacion."

A notarial act "does not produce faith if devoid of any solemnity.

White's Recopilacion, 247.

For the laws governing the making of wills in Mexico, and the proceedings under them see Escricha voc "Testamento Nuncupacion."

See 3 Part, Tit. 18, L. 54.
6 Part, Tit. 1. L. 1, y 3.
6 Part, Tit. 4, L. 4.
L. 1, Tit 18, Lib. 10, Nov. Rec.
L. 7 and 8, Tit. 25, Lib. 10 "
L. 4, Tit. 8, Liber 10 "
1 White's Recopolacion, 297.

Admissibility of a copy as evidence depends on the enquiry, whether the original of which it is a copy, be a document appertaining to that office, or the private property of the interested party.

8 Texas R., 333.

It should be certified by the officer having charge of the original.

9 Texas R., 81.

A testament is without effect until it has been duly proved and its execution ordered.

10 La. Reports, 533.

The Febrero Mexicana, Vol. 1, pp. 329, 330, requires the *witnesses* to recognise their hands before the Judge. Same author (p. 200), it is not sufficient that the notary sign for self and witnesses.

We could continue giving proofs of the invalidity of this document, by inserting each requisite necessary in proof of a testament for it to be admitted in evidence, and say truly,

11th. The copy was not taken from any protocol or register, but from a "paper writing" contained in a "package" deposited in the office of the Corporation.

12th. It is not a sworn copy, nor a compared or corrected copy.

13th. The dates "1818" and "1819" in the certificate of the notary to the copy, are in figures and not in letters, the penalty for which is nullity of the instrument, and to pay damages to the party prejudiced.

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We could continue giving proofs of the invalidity of this document, by inserting each requisite necessary in proof of a testament for it to be admitted in evidence, and say truly,

that this document has it not; but we cannot dismiss this important paper, without calling the attention of the Court to the fact, that the plaintiffs dared not approach its orig inal. They examined Juan Prado, Secretary of the Corporation of Matamoras, the legal custodian, papers belonging to the Alcalde's office (Rec., p. 256), as to the genuineness of signatures to other documents, but as to this document the plaintiffs were silent.

The plaintiffs examined Joaquin Arguelles, as notary public of Matamoras, as a witness; they examined him searchingly as to other documents, genuineness of signatures, correctness of copy, &c., &c., but of this document they simply ask him, whether Escoredo, who certified the copy, was living or dead, and whether he was not generally regarded and acknowledged as a notary—not a question is put as to the genuineness of the signature of either Ramon Garcia, who purports to have signed the testament, or Escoredo, who purports to have certified the copy.

Here were Mr. Hale, the attorney, and Mr. Treanor, the agent (Rec. pp. 249, 250, 258, 282, 283), in the hall of the Corporation where the original of this copy exists—the original was within their reach. We repeat, that they had before them Juan Prado, the custodian of this paper. They were attempting to prove a copy purporting to have been made in 1835. Why not obtain another copy? It was a short paper of four or five pages. Why not produce the original, it was a private paper. Why not ask these witnesses some questions about this precious document.

Mr. Prado, the secretary of the corporation, and Mr. Arguelles, the notary public, were both citizens of Matamoras in 1835, when this copy purports to have been made, and when and where the testatrix died. Mr. Prado was in 1835, an alcalde of Matamoras. (Rec. 256.)

Mr. Arguelles is a witness to the pretended partition made in 1835. (Doc. B, Rec. pp. 351 to 358,) offered in evidence by plaintiffs.

These witnesses must have known all about the death of this lady, Maria Francisca Cavazos, when they were examined; only fifteen years had elapsed since her decease.

Thus, it is evident, that the counsel dared not interrogate a witness as to the genuineness of the signature of Ram-

son Garcia, the ONLY signature to the will (of course the assisting witnesses are not witnesses to the will,) they could sign anywhere. They signed, merely attesting the signature of Garcia; nor did they interrogate as to the genuineness of the signature of Antonio Escobedo, the *only* signature to the copy, there being no assisting witnesses.

The partial interrogatories relating to this paper were addressed to seven witnesses, Joaquin Arguelles and six others; the deposition of only one appears in the record; if the others have been examined their depositions have been suppressed, if they have not been examined, it is a suspicious circumstance—a matter that requires explanation.

These seven witnesses were interrogated as to four paper writings "marked A. ~~252~~ Rec 323, B. C. ~~998~~ Rec 337, and D. ~~1000~~ Rec 323. They are interrogated as to the genuineness of the signatures to all the documents, except Document A, the copy of the will of Maria Francisca Cavazos; thesedocuments all bear date about the same period of time.

The interrogatory addressed to these seven witnesses, which follows the interrogatory relating to the testament, is the 4th interrogatory in relation to Doc. B, Rec. pp. ~~994~~, *363* signed by Don Pedro Pablo Pelaez. Here the plaintiffs' counsel had confidence in the signature, and put a fair interrogatory, thus: "Are you acquainted with "his handwriting and signature as notary, and if so, is or "is not the certificate and signature appended to the said "copy, in the handwriting of the said Pelaez as notary?" But the counsel is careful not to interrogate this witness or any other witness, as to its being either a true, faithful, legal, compared or corrected copy; it does not purport to be either. The certificate of the notary as to whose signature the witness is interrogated, does not so represent it.

Thus, by carefully noting the interrogatories, we have a sure index to the spurious character of the documents introduced by the plaintiffs in this cause, or, at least, the conviction of the plaintiffs' counsel thereof.

The attention of the Court is invited to the very particular and formal manner of examining the witnesses as to the signatures to most of the other Spanish and Mexican documents, introduced by the plaintiffs in evidence with-

out admitting their validity. We instance the wills of Maria Gertrudes de la Garza Falcon, p. 269 of Blas Maria de la Garza, and "paper writings" L, p. ~~752~~, ~~M, p. 752, G, H, I, J, K, pp. 753, 754~~, T, ~~S~~, p. ~~759~~, S, p. ~~758~~, ~~X p. 797, C~~, D, p. ~~751~~, ~~L M N T, U V, X Y, X X, p. 800, O P, Q R, B C, D E, F G, G H, p. 818, A T, B S, C R, p. 821~~, against the very loose, cautiously reticent manner of questioning the witnesses upon the will of Maria Francisca Cavazos. We place side by side an exemplification of our proposition; for instance, the plaintiffs ask in relation to the will of Maria Gertrudes de la Garza Falcon.

Rec. p. ~~757~~. 96.

28th Interrogatory.—Look at the paper writing presented to you, marked E, and purporting to be the copy of the testament of Doña Maria Gertrudes de la Garza Falcon.

Is or is not the signature at the end thereof, purporting to be the signature of Don Santiago Dominguez, his true and genuine signature?

What public office did the said D. Santiago Dominguez hold at the time of signing the same, and is not said paper writing a true and legal copy of the same?

In relation to the will of Blas Maria de la Garza—

Interrogatory 16, R. p. 797.—Look at the paper writing marked F, and purporting to be a copy of the testament of Don Blas Maria de la Garza. Is Antonio Leal de Leon, whose name is signed thereto, living or dead?

What office did he hold at the time of signing said paper?

Is or is not the signature thereto, purporting to be his, his true and genuine signature?

Interrogatory 21st.—Is or is not said paper writing a true and legal copy of the said testament?

In relation to the testament of Maria Francisco Cavazos—

To Joaquin Arguelles, ~~759~~ Rec pp. 32. 64
Francisco Arguelles.
Rafael Gomez.
Carlos Maria de la Garza.
Santos Farias.
Francisco Mayorga.
Andres Pineda.

Interrogatory 2d, p. 750.—Look at the paper writing now exhibited to you, marked A, and purporting to be a copy of the testament of Dona Maria Francisco Cavazos.

Did you know Antonio Escovedo, whose name is subscribed to such copy as notary public?

Is the said Antonio Escovedo living or dead, or within the said State of Tamaulipas?

What was the place called in the commencement of said testament, "*esta Congregacion de Nuestra Señora del Refugio,*" and what is it now called?

Was or was not the said Antonio Escovedo, at the time of signing the said certificate, acting publicly and officially as notary public in the said place, under the laws of the State of Tamaulipos, and the United Mexican States?

Was he or not generally regarded and acknowledged as such notary?

Upon this comparison we submit to the Court, if the presumption is violent, that the plaintiffs themselves were impressed with the utter worthlessness of this document, and

have studiously evaded putting such pertinent questions, as would have established its validity if genuine.

Have the plaintiffs dared to attempt to prove the signatures to this document?

Have they not evaded (~~p. 795.~~) the enquiry to the custodian of this paper, Juan Prado, or any other witness as to the genuineness of the signature attached thereto, or as to the official character of Ramon Garcia, purporting to have signed the same as alcalde?

Was not the proof of the signatures to this paper (if otherwise admissible) incontestibly requisite for its admission as evidence?

The next document we notice is the paper marked B. Rec. p. ~~330~~ 332, purporting to be partition of the estate of Francisca Cavazos under testament marked A, just noticed.

Exceptions, Rec. p. ~~333~~ 332, 351.

"That the validity of the original is not shown by complainants.

That the execution of the original is not proved.

That the copy offered in evidence is not proved in any sufficient manner to admit the same in evidence in this court."

The record shows that there was no proof nor attempt to prove any such original document.

It is not a sworn copy, nor a legal, faithful, compared or corrected copy, and it does not purport to be either.

It was not and does not purport to have been made by the hands of the Notary Pelaez, who signed the same, he says, "he caused the same to be made." The Spanish law governing Notaries Public in Mexico says, 3 Partidas, Title XIX, Law 5. "They must, however, take care to "execute their acts with their own hands and not employ "others to do it for them. But if they happen to be sick "or otherwise hindered, or so occupied with urgent busi- "ness, that they cannot do it themselves, they may cause it "to be done by another, who must subscribe his name in "the act and state that he wrote it at the request of another, "and after it is written, he who ordered it to be done "ought to write with his own hand at the end of the act, "that he ordered it to be made, and if he does otherwise,

"the act will be false and he will incur the penalty of for-"gery."

It was not identified as the paper shown the witnesses. It was not attached to the interrogatories nor to the depositions when returned; it was not filed nor marked filed in the cause and generally all objections made to the will are equally applicable to this paper.

We have shown that the plaintiffs nor their counsel dared to approach the original of the testament as to the genuineness of the signature to it, or the signature to the copy. We will now show that the plaintiffs were equally well aware of the utter worthlessness of this document. The plaintiffs examined numerous witnesses as to the validity of some twenty-five instruments of writing referred to in our remarks upon the will. To each of the witnesses examined were put the following interrogatories, or to this substance:

"Is or is not the said document an accurate and legal copy of the title or testimonio of title of which it professes to be a copy." Rec. p. 29.

"Is this document or not a true copy of the original in the archives of the State?" Rec. p. 70.

"Are not the said paper writings true and legal copies of the originals, &c.?"

"Is not the said paper writing a true copy of the original testament?" Rec. pp. 42, 45, 46.

Thus again, as in the case of the testament, this absolutely essential requisite, an interrogatory as to the truth of the copy, has been omitted, and here, also, is a copy made in 1835, made at Matamoras, a notary public, Arguelles, and the custodian of the archives examined as to the validity of a signature to this very paper, and not a question put as to the truthfulness of the copy. The plaintiffs had, as it were, the original document B before them. It was also in a protocol in the halls of the corporation where these witnesses were examined, when the plaintiffs' agent and counsel were present.

It appears by the notarial act "B" that two persons, Rafael Garcia Cavazos and his son-in law John Treanor, the latter as representing Maria Ignacia Cavazos, the sister of Francisca Cavazos, (or Maria Ignacia Cavazos in person)

on July 3d, 1835, *said* to Pedro P. Pelaez, a notary public, that a woman named Francisca Cavazos had died on the 29th day of May preceding, which woman, they said, had made a will on the 22d day of October one thousand eight hundred and eighteen (1818) before an alcalde, "for want of a notary public with competent instrumental witnesses" instituting the parties they assumed to represent, *i. e.*, Josefa Cavazos, wife of said Rafael Garcia Cavazos, and Maria Ignacia Cavazos, universal heirs. That they had divided the estate thus; presenting to the notary an account of the division. They did not exhibit any testament to the said notary, and on this simple statement the notary protocolized the division of the estate. "No notary can give faith to any contract nor testament or other judicial act if not made by a regular notary in *legal* form or approved." N. R., VII.

"The testamentary heir can only obtain possession of "the property (*bienes*) of the testator by *petition to the* "*Judge* and presenting a *perfect will.*" "Escriche *voc.* Herencia, L. 1, Tit. XIV, 5 Partidas."

The will under which this division purports to have been made under which Cavazos and wife claim as having given them title, has not been presented to a Judge, was not presented to the notary who protocolized the partition (See Febrero Novisima voc Escritura de Particion), the depositions, when returned, were not filed in Court. The first time this record shows that it was made public (and then by copy) was on the trial of the cause in the year 1854, thirty-six years after its purported execution.

This paper B, recites that the testatrix Dona Francisca Cavazos died on the 29th of May, 1835. The deposition of the priest, Jose Marie Rodriguez, and his certificate as custodian of the church records of Matamoras (introduced by plaintiffs, Rec., p. 283,) show that Francisca Cavazos was *buried* on the 6th day of March, 1835. Thus, if this partition paper is a genuine and truthful document, this lady was buried nearly three months before her decease.

This partition paper recites that these parties said that they divided the estate as universal heirs under a will made on the 22d October, 1818. The will in evidence as

the testament of Francisca Cavazos bears no date, and there is nothing in the mass of testimony taken by plaintiffs to indicate whether it was made in 1818, 1828, or even 1838 or 1848. As they buried her before her decease, it would not be more strange that a will were manufactured for her after her decease. We submit to the Court that such discrepancies do not occur in honest proceedings, and we further submit that in the history of judicial proceedings there is not a precedent for the admission in evidence of two such papers as Documents A and B, purporting to be copies of thetestament of Francisca Cavazos and the partition of her estate under said testament, casting away *all* the safeguards which the law has interposed to prevent fraud.

Exception Rec., 418.

Plaintiffs called R. H. Hord, as a witness, whereupon the said Hord was examined by the defendant and asked whether he had an interest in this suit, which would disqualify him as a witness, to which witness answered that he was interested in the original grant and held under it, but that he was not interested in the land in controversy in this suit, and the defendant objected to said witness testifying, on the ground of interest in sustaining the original grant, but the Court overruled the objection, to which ruling of the Court the defendant excepted.

R. H. Hord, (of Basse & Hord) was the attorney and counsel of the defendant in this cause. See Rec. pp. 3, 11.

In April, 1852, Basse & Hord received from plaintiffs a deed for the town of Brownsville, the most valuable portion of said grant. Rec. p. 495. Consideration stated in the conveyance thirty-two thousand dollars.

In regard to the competency of this witness the defendant submits that Hord and his partner Basse, were employed to defend defendants' interests in this suit, which embraced a defence to the whole of the plaintiffs' claim. Rec., pp.

By defendants' plea of "not guilty," Rec p. 6, every material element of the plaintiffs' claim is put in issue. Oldham & White's, Digest, 2051 aside from violation of duty to this

defendant by virtue of their retainer, the said Basse & Hord took from these plaintiffs an interest in the very title which they were by said retainer employed to defeat, and so the defendant submits that Robert H. Hord was incompetent to testify in this behalf, as an interested party.

The very radical amendment of the petition of the plaintiffs' in this suit under the sanction of the Court already discussed, by which this suit originally commenced in simple trespass has been changed to one of trespass to try title, raises an issue distinct and unavoidable to the plaintiffs title to the land in question, and which issue attaches to each and all muniments of title offered by the plaintiffs, to sustain such issue on their part. In other words, the issue is to be tried under the rule of evidence applicable to suits in ejectment. Oldham & White's, Digest, Art. 2039, and in virtue of which, of course, the plaintiffs must stand upon the merits of their own title. And, in this connection, the defendant submits, that these issues and the legality of the several muniments of title must "be decided by the principles of the laws under which the same were regulated, or in any manner affected," Oldham & White's Dig., Art. 2042, and the defendant suggests to the Court that as this title and the muniments offered in support of it, originated under the Laws of Spain and Mexico, before the severance of the *locus in quo* from said jurisdiction in 1846, by force of arms, the said title and muniments can be tested by no other rule, than the laws in force at the time of their pretended origin.

Freriño V. Fernandez, 13 Texas, Repts.

The main issue in the case involves the validity of the "Espiritu Santo Grant," so called, under which the plaintiffs claim to hold, and particularly as to the eastern boundary of this grant.

In offering this title the plaintiffs insist on extending the eastern boundary line of the same, some eighteen miles or more (see maps in evidence) from its true terminus so as to embrace the Mouth of the Rio Grande and corresponding territory, nearly doubling the quantity of lands surveyed and paid for, discarding for this purpose the actual survey of fifty-nine leagues and eleven caballerias, and dis-

carding the monuments set to fix the limits of this survey, claim for their grant by implication, all the territory between the eastern line run and marked as a limit, and the sea coast, be such territory much or little, and the distance one or one hundred miles.

The plaintiffs claim the mouth of the Rio Grande, and thence along the coast of the Gulf of Mexico, and the Laguna Madre, as their eastern boundary line, and through their agent John Treaner, (Rec. p. 5,) make oath that they rely upon and intend to produce on the trial of said cause, to sustain the issue joined on their part, a grant from the Crown of Spain, to their ancestors, with the "natural boundary," before stated. On the trial of this cause, the plaintiffs produced what purports to be a grant from the Crown of Spain, to sustain their claim of title, in which grant the mouth of the Rio Grande, and the coast of the Gulf of Mexico, are not mentioned as boundaries, but an artificial eastern line is given about eighteen miles from the mouth of the Rio Grande, and Gulf of Mexico. There is no ambignity in the calls or descriptions of this land in the grant, definite metes and bounds are given. That this eastern line, as described in the grant, was run is not disputed by the plaintiffs, but they claim that under their grant they are entitled to land not embraced within the survey.

This grant (and survey,) was made in the year one thousand seven hundred and eighty-one, and within the lines of that survey is contained the full quantity of land conveyed by the grant.

The idea that such great natural points as the mouth of the Rio Grande, and the coast of the Gulf of Mexico were intended as boundaries of this grant, and should not even be mentioned in it, is so preposterous that we scarcely know how to treat it seriously, further than to state the facts and say, that the plaintiffs' claim could only have been conceived in a spirit of fraud.

That it was the intention of the grantor to confine the grantee to the lines marked and described in the title is clearly expressed by the "surveyor," the "Attorney of the Treasury," the "Special Judge of sale and purchase of

vacant and public lands and waters, and in the final title, thus:

THE SURVEYOR.—"And the said surveyor, having already "made a calculation for the purpose of the bends and el- "bows, which the said Rio Grande forms belonging to the "first line, declared that in the last and *under* (bajo) *the* "*four said lines were contained fifty-nine leagues and* "eleven and a half caballerias (Sitios de Ganado mayor) "of land in favor of his Majesty, according to the skill in "the art of surveying, ratifying this by the oath he had "taken &c.," Record, page 394.

THE ATTORNEY OF THE TREASURY.—"Upon examination "of these proceedings, on the declaration made by Don "Jose Salvador de la Garza, of the Potrero, called that of "the Espiritu Santo, says:

"That upon consideration of the whole matter your "Honor will be pleased to approve the proceedings had "adjudging or granting by way of sale to the denunciant "Don Jose Salvador de la Garza, the fifty-nine Sitios de "Ganado mayor, and eleven and a half caballerias, of the "Potrero del Espiritu Santo *under* the natural outlines (lind- "eros,) which the surveys state." Record page 409, 410.

After the sale and grant, made by the Special Judge, Salvador de la Garza asked for a reduction in the price of the land conceded to him, upon which petition the report concludes thus:

"Whereupon, your Highness will be pleased to confirm "and approve the grant and sale made by the special trib- "unal to Jose Salvador de la Garza, of the land of the "Potrero named the "Espiritu Santo," under the lines and "boundaries, (terminos y. linderos,) which *the surveys* "*state*, (que espresan las medidas,) to do so with the pro- "viso, that he must pay the other two dollars *belonging to* "*each sitio*, its price being then returned to the said tribu- "nal, in order that after the aforesaid payment is made the "corresponding title may be delivered to him."

THE SPECIAL JUDGE OF SALE AND PURCHASE OF VACANT AND PUBLIC LAND—thus orders: "Together with

" what is asked by the Attorney of the Treasury, I approve " the proceedings had, and I adjudge and grant by way of " sale to Don Jose de la Garza, fifty-nine Sitios de Gando " mayor, (square leagues,) and eleven caballerias of land, " *under the boundaries* (*linderos,*) *which the surveys state.*"

TITLE.—" In consideration of the order of the President " Regent and oidores of the Royal audencia, and in pur- " suance of a Decree, which I made on the 10th of the " present month, I have determined to issue these presents, " by which exercising the power conferred on me by the " Royal Decree, and Instructions of the 15th of October, " 1754; I declare that Don Josè Salvador de la Garza has " complied with what is ordered in it, (in the Royal order) " and in the name of His Majesty (whom may God pre- " serve), and without prejudice to any third person or " community of Indians; I admit him to *purchase.*

" I adjudge and grant by way of sale fifty-nine sitios of " ganado mayor, and eleven caballerias of land, and *not* " *exceeding their boundaries*, within the Colony of New " Santander." Record, p. 415.

The grant in question contains a clause, as we have shown, stating it to have been issued under the powers conferred by the Royal Decree and instructions of the 15th of October, 1754, which clause is as follows:

" 7th—That there shall also be contained in the General " orders which, as has been stated, shall be issued by the " sub-delegates to the Justices of the Chief Towns, and " sub-divisions of their Districts, the clause that the per- " sons who may have exceeded the limits of what has " been purchased or compounded by engrossing (agregan- " dose) entering on more land than that which was " granted, whether the principal possessions are confirmed " or not, must necessarily apply to them (the sub-delegates) " for composition, so that a previous appraisement and " survey having been made, titles and confirmation be " issued to them."

" With notice to them, that the lands so occupied will " be adjudicated in moderated quantities to those who may " denounce them, and that in the same manner will be

" adjudicated to the Royal Patrimony for sale to other " third parties, those public lands which are occupied with- " out title, even if they be cultivated, planted, or built " upon, if the time assigned should elapse, without the " intrusire possessor, applying to report and treat for the " composition or confirmation of the same."

The last clause of this ordinance is as follows:

" It is my will, that all the provisions of these instruc- " tions be executed esactly and punctually, by my Vice- " roys, Audencias, Presidents and Governors in all of Do- " minious of the Indies, and by the sub-delegates, and " other persons to whom the fulfillment of them does, " or may appertain, without going contrary to their tenor, " for any cause or motive whatever, because it is what " befits my royal service, and the welfare of those my " vassals."

Ordenanza de Fierras y Aguas, p. 29, published in Mexico, 1844.

(Note) Mr. White in his Recopilacion, pag 62, vol. 2, has made many gross errors in the translation of this ordinance, in so much as to leave the sense of the same mainly unintelligible.

The defendant submits that this grant is explicit, and unambiguous, and must therefore under the general rule, be considered and onstrued by the Court, and that any attempt by verbal testimony to enlarge or qualify its terms would be a precedent, to which the Court at this late day will not lend its sanction.

The plaintiffs have sought as a stepping stone to the enlargement of this grant to avail themselves of verbal testimony as to the meaning and import of the word "*Potrero.*" If this testimony in itself were proper for the purpose claimed, it would fall far short of serving its object. The idea sought to be enforced by the use of the word "*Potrero,*" is to associate the general character of a large territory with the character of having certain great *Natural* outlines to distinguish and control its mere special feature—as that on the west for example—it was bounded by a thicket; on the north by a stream, connecting with the Laguna Madre, on the east by the Laguna Madre and the Gulf of

Mexico, on the south by the Rio Grand, thus forming as the plaintiffs contend, a sort of natural pasture ground, and imply for this reason, that whatever Salvador de la Garza may have denounced, was covered by the concession which followed. Against which supposition the defendant submits, that whatever or what quantity soever Salvador de la Garza denounced of this district or country, a Potrero was controled, limited and confined by the survey actually made, and the monuments planted to mark the lines and limits, and the adjudication by way of sale and grant, of the particular premises surveyed by express language, limiting such grant to the lines run.

The plaintiffs have treated this word Potrero, as though open to explanation, and as not having a definite and fixed signification. The Dictionary of the Academy of Spain defines *Potrero* to be "*El que cuida de los potros guando estan en la dehesa*," one who "herds colts while at pasture," *Eque norum pullarum custos.* The Court will bear in mind that the Spanish Academy only admits and mentions such significations as have been adopted into the language by a vote of the Academy—by a Dictionary of the Spanish language, by Don Vicente Salva, published in Paris, edition of 1857—which besides containing the definitions of the Academy, is said to contain twenty-five thousand additional phrases and words, among them many of American acceptance. We find this same definition of the word Petrero, "one who herds colts while in the pasture, (*equinorum pullorum custos*). In America "the estate destined for mares and cows." In the New York edition of 1862, of Seoanes Spanish and English Dictionary by Velasques, the word Potrero is defined to be (2,) horse herd, (3,) pasture ground, (4,) cuba, a farm for receiving cattle. From which authorities the defendant submits, that the word "Potrero," in the sense and connection in which it is used in this title, has a definite and legal signification, which the Court should pass upon and construe, as upon any other word, and only if the Court should have doubts, it should take experts in the nature of the authorities here adduced to explain and enlighten its understanding—and it is not for the plaintiffs, or any other party, to adduce verbal testimony, *hors* the record, to explain its import—such testimony is presumed

to be addressed to the jury, and in this respect the proper functions of the Court to construe all written instruments, are derogated and subverted from their legitimate exercise.

Again: This grant recites in itself the ordinances of 15th of October, 1754, as being made subject to the same, in view of which the defendant submits; the said ordinance was instituted to restrain and correct the exact species of fraud upon the King's domain that is sought to be practiced now by extending the import of this grant beyond the lines run and marked by the survey; and whether this ordinance were or not mentioned in the grant, its existence as the supreme law of the land at the time of the issuance of the grant would control the officers of the Government as limiting their authority, and prevent the issuance of any title by implication or otherwise, as to any land not actually surveyed and paid for.

The defendant submits that whatever effect plaintiffs may desire to give to the word *Potrero* in connection with this subject, such can be of little consequence in the present instance, inasmuch as the act of adjudication and the survey as well, do not pretend to convey the whole potrero or district preliminarily demanded by Salvador de la Garza as explored by the "Vista de Ojos." Each of these separate acts appropriate in themselves and independent of each other, are all controlled and limited by the clause and act adjudicating the part conceded and granted by the Superior officers of the Crown; especially as such Act purports to state that the grant is of a portion of the said Potrero, and refers to the Act of survey whose limits it shall not pass, "*Not exceeding its boundaries, which the surveys express.*"

The Court is asked to bear in mind that all the translations offered by the plaintiffs were by Mr. Hale, their attorney, and made to suit the purposes which it is their interest to sustain, for instance: In the passage above cited, not exceeding "its boundaries" is left by this gentleman to be inferred as relating to the boundaries of New Santander which the defendant submits is repugnant alike to the sense sought to be conveyed by the originals as to an implied discretion in the officers whose duty it was to execute the details of the grant. That this expression must be deemed to

relate to the surveys of the grant, instead of the limits of the colony of New Santander, is evident from the fact that all the preliminary proceedings state the land in question to be within the colony of New Santander, as well as define the exterior lines; whereas, the colony of New Santander, was a political jurisdiction and sub-division of the Mexican Indies, whose limits must be presumed to be known by the Governors and officers, and therefore, in that instance, it would be useless to attach a condition of this nature.

On the contrary, the defendant submits, that the rule of law implies only necessary and useful language; and in case of doubt in the construction of instruments, when such exists, that construction will be adopted which seems most natural to the understanding, discarding such as would be incompatible with the manifest sense and justice of the case.

After the same manner of treating the term *potrero* in this grant, the plaintiffs attempt to assign to the word "lindero" the meaning of "*natural* outlines," in some places where the word lindero occurs, and in others "*natural* boundaries"—and where the words "terminos y linderos" occur they give as "limits and *natural* outline." Rec. pp. 369, 375, 392, 400, 402, 415, 461, 464, 474, 478.

The defendant insists that these renditions are perversions of the originals, and are in direct opposition to their true signification.

Referring to the dictionary of the Spanish Academy before mentioned, the Court is requested to bear in mind, that the signification of each principal word given is limited by what the Academy regards as its equivalent in Latin.

The term *lindero* is given thus: "*Lo que linda con otra cosa.*" "That which bounds another thing." (2) "*Confines*" (s. m.) "*Linde.*" The word "*Linde*" is given thus: "*El termino, 3d lineá que divide unas heredades de otras*" equivalent to "the boundary or line which divides some inheritance from others." (2.) The Latin of this word is given as "*limes*" The word "*termino*" in the same dictionary given as an equivalent to "*lindero*" is thus defined: "El mojon que se pone para distinquir las limites." "The land mark which is placed to distinguish *limits.*"

Terminus, finis. There is no conflict between any of the dictionaries as to the meaning of the word lindero. These authorities show the distorted import sought to be extended to these words by the plaintiffs. There is no ground work, cause, or pretence for the license taken by the plaintiff's attorney in rendering the term "lindero" *natural* outline or "*natural* boundary," and the words Terminos y lindederos, where they occur, as limits and *natural* outlines. And the defendant submits in this connection, that these false interpretations foisted upon the jury are the principal, and the *only* pretence for extending the grant beyond its true limits.

To what end run a line from the Rio Grande north to the Colorado as the second line of the survey, and planting a "mojonera" a land mark at the distance of six cordeles east of the "Tanque" where the first line terminated, especially in view of the fact that the two succeeding lines, that is, the one meandering the Arroyo Colorado from the termination of the second line to a locality opposite to the place of beginning, closing the said survey by running this last line, if such eastern line is not to serve as a limit to the grant in that direction? Will it be pretended that a "land mark" a "*mojonera*" would ever be placed upon any other than a boundary line or corner?

Such is not the custom in Spanish and Mexican surveys, but the planting of these monuments is especially enjoined by the Spanish laws, and was executed in this instance as to all the corners. So particular are the operations of this survey conducted, that the bends and elbows of the river between it and the first line run, were calculated and added to the quantity contained *within* the four lines of the survey to complete the *exact* quantity mentioned in the grant. Can the plaintiffs show that a like calculation was made to embrace the lands contained between the eastern or second line run and the Laguna Madre and the Gulf of Mexico, shown to be some eighteen miles or more from the mouth of the Rio Grande? If not, their pretensions must fall. As we have shown by the ordinance of 1754, recited in the title, such grant would not only not be presumed, but the ministerial officers were expressly forbidden to make such grants, and in this special instance the Special Judge of

land and waters, and the attorney of the Treasury expressly provided, as before stated, that such grant should not exceed the limits expressed in the survey.

The defendant submits that he does not deem it necessary to inflict upon the Court a definition of the term survey, as implied in connection with the measurement of land. Its primary signification is, to take a view of and inspect. Professionally, it is to measure in such manner as to ascertain the true contents of the land measured. The defendant further submits, that in no operation of the survey in question is any calculation made of the land contained between the coast of the Gulf and the Laguna Madre and the said eastern or second line, and, therefore, none could pass. How necessary would it not have been to have traced such line of coast, its sinuosities and indentations, and by proper operations to ascertain the different distances from said eastern or second line to corresponding localities on said coast, and for these and the various computations of measurement to appear in the field notes of the survey.

The fact that nothing of this does appear, is conclusive that no such operations were made, and the grant must, therefore, be confined to the quantity contained within the four lines run, and between the first line and the river for the quantity specified in the survey and grant.

This grant, under the boundaries given in the survey and title (on the showing of plaintiffs), was divided and subdivided more than fifty years previous to the institution of this suit, and portions thereof sold by defined boundaries.

There had been a partition of this grant originally between six parties, by which each had assigned his or her particular portion. In this partition the eastern boundary line was recognised as contained in the survey and title, the line ran from the "Tanque" north. See map of O'Docherty — Deposition O'Docherty, Rec., pp. 493. Also purported wills of Falcon, Rec., pp. 239, of Garza, Rec., pp. 293, of Maria Francisca Cavazos. Sale of ten leagues by Maria Francisca Cavazos to José Miguel Pardes, p.

Sale of Cavazos and wife to Basse and Hord, Rec., p. 495.

Thus for nearly seventy years, from 1781 until the institution of this suit in 1847, the eastern boundary line has remained unquestioned, (and, according to the plaintiffs' showing,) vested rights have grown up under it. The grantee has all the land he purchased and paid for, all the land described in his survey and title.

Thus, by their own deeds, their own acts, are the plaintiffs estopped from asserting any such claim as in this suit set up.

We therefore submit that the institution of this suit by counsel, without authority, the irregular and unscrupulous manner of conducting it, the spurious and illegal character of the evidence introduced by plaintiffs, evince a spirit of boldness without a precedent.

The defendant prays judgment.

SIMON MUSSINA,
Plaintiff in Error,
In person.

Supreme Court of the United States.

DECEMBER TERM, 1897. No. [illegible]

SIMON MUSSINA, Plaintiff in Error, *Against* MARIA JOSEFA CAVAZOS & Another, Defendants in Error.	*Writ of Error to the District Court of the U. S. for the Eastern District of Texas.*

Supreme Court of the United States.

DECEMBER TERM, 1866. No. 19.

SIMON MUSSINA, Plaintiff in Error,

Against

MARIA JOSEFA CAVAZOS & Another,

Defendants in Error.

Writ of Error to the District Court of the U. S. for the Eastern District of Texas.

Abstract of the Case.

The petition (p. 1) alleges that the petitioners were seized in their demesne as of fee and right of a certain parcel of land, and that the defendant Mussina broke and entered the same, (being the close of petitioners,) and them unjustly did disperse and evict thereof; and it prays judgment for the possession and recovery of the land as well as for damages. The Defendant pleaded not guilty, (p. 6) and filed a further plea or answer, (p. 12.) A motion of the Defendants to dismiss the cause, as to some of the parties named as Plaintiffs was sustained, (p. 19–24) leaving then, as Plaintiffs, Don Rafael Garcia Cavazos, Dona Josefa Cavazos, his Wife, and Dona Estafana Goseascochea de Cortina. A motion to dismiss the cause *in toto* was overruled, with costs, (p. 146.) Whereupon Defendant by petition (p. 149) represented that the Plaintiff, Rafael Garcia Cavazos, had died, and that no suggestion of his death was made by the Attorneys of Record, or the agent or the legal representative of said deceased

at the first term after his death; and Defendant therefore suggested his death and prayed for a writ of *scire facias* to be served upon his legal representatives. This motion was overruled, (p. 149–50) but on the calling of the cause on Saturday the 21st of January, 1854, the surviving Plaintiffs, Josefa Cavazos and Estefana Goseascochea de Cortina, suggested the death of Rafael Garcia Cavazos, and that the cause of action survived to them the surviving Plaintiffs. The clerk, on that day, omitted to enter an order to that effect; but on the 23d of January, 1854, it was entered *nunc pro tunc*, (p. 150) and the cause was henceforth entitled Maria Josefa Cavazos, *&c*, vs. Simon Mussina, (p. 153.)

Subsequent to the amendment of the petition, on p. 21, leave was given to amend it, by endorsing thereon that the action is brought as well to try title as for damages. The clerk failed to enter this order when it was granted; but it was afterwards entered *nunc pro tunc*, (p. 150–151.)

Pending the cause, there were orders of Court under which letters rogatory were taken out for the examination of witnesses in one of the Mexican States upon interrogatories filed. See p. 7 to 9, p. 17 to 19, p. 21, p. 23 to 92, p. 93 to 111, and p. 114 to 136.

On the 28th of January, 1854, a verdict was found for the surviving Plaintiffs, as to one undivided moiety of the land described in the petition as amended, and one cent damages, (p. 153–4.) Then there seems to have been a motion for arrest of judgment, (p. 154 and 50,) and a motion for a new trial, (p. 154 and 502.) On the 24th of February, 1854, these motions were overruled; and judgment entered against Defendant for the undivided moiety of the land, and the one cent damages and cost, (p. 160.)

Though the earlier forms of a bill of exception under the Statute of Westm. 2, (13 Edw. I., ch. 31) may be "models which it would be wise to consult and adhere to," (*Zeller's Lessee* v. *Eckert, &c.*, 4 How., 298,) there seems in this cause

to have been an utter disregard both of the ancient and the modern forms under the Statute. *Cogswell* v. *Dolliver*, 2 Mass., 218; *Wright* v. *Doe dem. Tatham*, 1 Adol., and El., 7 note, 28 Eng. C. L; and of the rules which this Court has said ought to be observed. *Johnston* v. *Jones, &c.*, 1 Black., 220; *Harvey* v. *Tyler*, 2 Ib., 338. What is called a bill of exceptions, beginning on p. 11, and ending p. 502, was not filed until after the verdict, and after the motion for a new trial was overruled; and does not show in any proper way that the rulings at the trial were excepted to during that trial. The statement on the record is, that the Defendants came on the 21st of March, 1854, and filed their bill of exceptions, (p. 161.) Its statements seem to be merely the statements of counsel, sustained, in part, (as to rulings during the trial) by the signature of the *clerk*, (p. 269–289–293–300––308–315–323–328.) After mentioning the motion for a new trial, and that it was overruled, the conclusion on p. 502 is in these terms: "to which ruling of the Court the Defendant excepted and files this, *together with all the foregoing exceptions*, as his bill of exceptions to the ruling of the Court, and prays that the same may be signed, sealed, and enrolled, and made a part of the record." But it does not appear that this prayer was granted; it does not appear that the same was sealed or even signed; the only thing like a signature is the name of "John C. Watrous" to this memorandum on p. 503. "In making out the bill of exceptions in error to the Supreme Court, the clerk will insert all the documents, and papers, and depositions referred to, in full, at the proper places."

Points and Authorities.

1. In the progress of the cause, there were no irregularities which can constitute any objection upon this writ of error. *Evans* v. *Gee*, 11 Peters., 85. The representative of the deceased husband was not a necessary party, but the

cause of action survived, and the case was regularly proceeded in, in the names of the surviving Plaintiffs, p. 150–153. The petition was properly amended by endorsing thereon as mentioned, p. 150, and, under the Statute of Texas, was clearly sufficient to try title; and the Court was right in overruling the motion to dismiss the suit. (P. 161–2.)

2. The proceedings of the trial must be taken to have been legal, and the verdict (p. 154–5) to be right; the contrary not appearing by any exception properly made a part of the record, 2 Inst., 426–7; *Gordon* v. *Brown's Ex'r.*, 3 H. and M., 224; *Pomeroy's Lesse* v. *Bank of Indiana*, 1 Wallace 579.

3. What is called a bill of exceptions, beginning on p. 161 and ending on p. 502, is not properly a part of the record; for it has not, as the Statute of Westm. 2, (13 Edw., I.) requires the seal of a Justice. 2 Inst., 427; Bull., N. P., 319; *Money, &c.*, v. *Leach*, 3 Burr., 1692; 2 Tidd's, Pr. 915; 1 Arch., Pract., p. 311 of London Edi., 1840; *Pomeroy's Lessee* v. *Bank of Indiana*, 1 Wallace 599; nor does it appear even that it was signed; the three lines on p. 503, with the name "John C. Watrous" subscribed, importing merely a memorandum for the clerk "in making out the bill of exceptions;" and the so-called bill of exceptions appears not to have been reduced to writing until after verdict was rendered, and after a motion for a new trial was made and overruled. Clayt. 1, 158; Bull., N. P, 315–16; *Walton* v. *United States*, 9 Wheat., 657. It was thought the exceptions were not properly taken, and that, for that reason, no judgment could be given for the Plaintiff in error in *Armstrong* v. *Lewis*, &c. 2 Cr. & M. (Exchequ.) 274, 4, Moore and Scott 1, 30 Eng. C. L. This Court, in *Walton* v. *United States*, considered it sufficient if the exception be taken at the trial and noted by the Court with the requisite certainty, provided it be afterwards, during the term, redu-

ced to form, and signed by the Judge; but it said, "in all such cases the bill of exceptions is signed *nunc pro tunc*, and it purports on its face to be the same as if actually reduced to writing during the trial; and it would be a fatal error if it were to appear otherwise." And this is recognized in *Sheppard, &c.*, v. *Wilson*, 6 How., 275–6, which is itself recognized in *Phelps* v. *Mayer*, 15 How., 161; and to what was so said in *Walton* v. *United States*, this Court has adhered. *Turner &c.*, v. *Yates*, 16 How., 29; *Barton* v. *Forsyth*, 20 Id., 532; *Hutchins* v. *King*, 1 Wallace, 60. In the present case, if any exception was taken at the trial, it does not appear to have been noted by the *Court;* and the bill does not purport on its face to have been reduced to writing during the trial, but it appears otherwise, which, as laid down in *Walton* v. *United States*, is a fatal error.

4. Whether the inferior Court ought or ought not to have granted the motion for a new trial, is clearly not a matter for inquiry in this Court. *Henderson* v. *Moore*, 5 Cranch, 12; *Mar. Ins. Co.*, v. *Young*, Ib., 186; *Barr* v. *Gratz*, 4 Wheat., 220; *Blunt's Lessee* v. *Smith*, 7 Ib., 272; *Brown* v. *Clarke*, 4 How., 15; *Doswell* v. *De Lanza, &c.*, 20 Ib., 32; *Warner* v. *Norton, &c.*, Ib., 448; *Pomeroy's Lessee* v. *Bank of Indiana*, 1 Wallace, 597; *Freeborn* v. *Smith*, 2 Ib., 176.

5. If the Court shall feel at liberty to examine the so-called bill of exceptions, as to matters occurring before the verdict, it will find that one part of the bill embraces matters of practice, which rest entirely in the discretion of the Court below, and could not be considered by this Court upon any bill of exceptions. *United States* v. *Evans*, 5 Cranch, 280; *Mar. Ins. Co.*, v. *Hodgson*, 6 Ib., 217; *Welch* v. *Manerville*, 7 Ib., 155; *Liter* v. *Green*, 2 Wheat., 308; *Matheson's Adm'r* v. *Grant's Adm'r*, 2 How., 264; *Conner* v. *Peugh's Lessee*, 18 How., 394; *Pomeroy's Lessee* v. *Bank of Indiana*, 1 Wallace, 598; for example, such matters as the refusal of the Court (p. 161–165) to continue the cause;

Woods v. *Young*, 4 Cranch, 238; *Sims* v. *Hundley*, 6 How., 6; *Thompson* v. *Selden, &c*, 20 Ib., 195; and the allowance of amendments to the pleadings. *Chirac* v. *Reinicker*, 11 Wheat., 302; *Wright &c.*, v. *Hollingsworth, &c.*, 1 Peters, 168; *United States* v. *Baford*, 2 Peters, 392; and other parts of the bill consist of objections which, though aimed at almost the entire evidence adduced by the Plaintiffs, may be considered as vain and nugatory. *Camden* v. *Doremus, &c.*, 3 How., 530. The action being trespass to try title, the objection, on p. 164, to showing evidence of title was properly overruled. So. also, when the Plaintiffs, after reading, without further objection, the papers from p. 173 to 198, offered in evidence certain depositions with the translations on file, there being (p. 114 to 136) authority for taking the testimony and (p. 141–149) affidavit of notice of the filing of the interrogatories, the objection on the ground of want of such authority, and want of such notice, was (p. 199) properly overruled. So, likewise, the Court did right in overruling the objections noted by the *clerk* on p. 269–289–293–300–308–315–323–328. There was no occasion for any relaxation of the general rule recognized in *York Co.*, v. *Central Railroad*, 3 Wallace, 113–14; and *Blackburn* v. *Crawfords*, Ib., 191; and independently of that rule those objections were properly overruled.

As to the witness Hord, objected to on p. 418, it is very clear that he had not any interest in the event of the suit. *Evans* v. *Eaton*, 7 Wheat., 425; *Taylor, &c.*, v. *United States*, 3 Wheat., 207; *Richardson* v. *Carey, &c.*, 2 Rand., 87; *Steffen* v. *Hartzell*, 5 Wheat., 451: *Reid* v. *Stanley*, 6 W. & S., 375; *Masters* v. *Varner's Ex'rs.*, 5 Grat., 174. If in the course of his examination he deposed to some matters which were and some other matters which were not competent or relevant, it was not enough to object to the whole of his testimony, on the ground that it was incompetent or irrelevant, but a specific objection should have been taken to the

part liable to such objection. *Camden* v. *Doremus, &c.*, 3 How., 530; *Thomas* v. *Lawson, &c.*, 21 Ib., 337–8.

6. The motion in arrest of judgment for extrinsic matter not appearing on the face of the record, (2 Tidd's Pr., 948; 2 Arch. Pract., p. 1110 of Lond. ed., 1840,) was properly overruled. It was wholly inappropriate to a motion in arrest of judgment to offer on such motion testimony (p. 154 and 501) to show that the Plaintiffs were not entitled to sue in a Court of the United States. The Defendant cannot move in arrest of judgment for what he might have pleaded in abatement. *Taunton Market* v. *Kimberley*, 2 W. Bl., 1120; 2 Tidd's Pr., 951; *Jones* v. *League*, 18 How., 76; *De Sobrey* v. *Nicholson*, 3 Wallace, 423. The other ground, that the action was simple trespass, and not trespass to try title, has already been disposed of.

7. Final judgment was properly rendered (p. 160;) and that judgment should be affirmed.

CONWAY ROBINSON,
with
WM. G. HALE,
} *For Deft. in Error.*

Supreme Court of the United States.

DECEMBER TERM, 1867.—No. 10.

SIMON MUSSINA,
Plaintiff in Error,
vs.
MARIA JOSEFA CAVAZOS ET AL.,
Defendants in Error.

Supreme Court of the United States.

DECEMBER TERM, 1867.—No. 10.

SIMON MUSSINA,
Plaintiff in Error,
vs.
MARIA JOSEFA CAVAZOS ET AL.,
Defendants in Error.

Abstract of Case and Points for Defendants in Error.

If this Court shall think the motion to dismiss this writ of error unfounded, it will become necessary to reply to the positions assumed by the counsel for the plaintiff in error. These seem to have been taken without sufficient consideration of the practice in Texas adopted in the courts of the United States for that State, and without distinguishing between what this Court will undertake to correct, and what it will presume to have been rightly done by the inferior Court.

I. The objection that the dismissal of the suit by five of the nominal plaintiffs prevented the further prosecution of it by the remaining co-plaintiffs is without foundation, because, in possessory actions in Texas, one tenant in common may sue alone, and the death or withdrawal of another original co-plaintiff does not abate the suit. *Croft* v. *Rains*, 10 Texas, 520; *Watrous* v. *McGrew*, 16 Texas, 511.

And there was no evidence whatever, in the case before the jury, that the defendant below derived title under any of the plaintiffs who withdrew. In fact, Mussina appears to have been a mere trespasser or intruder, without title.

The objection that the continuance of the suit by Maria Josefa Cavazos, after the death of her husband, *pendente lite*, was irregular, is also unfounded, because the proof showed that the cause of action survived to her; and, in that case, the statute of Texas regulating practice directs that the suit shall not abate, but be continued in the name of the survivor. Hartley's Digest, art. 695, p. 245; Record, p. 150.

II. The act of Texas relating to suits for real estate requires an endorsement to be made on the petition, in an action of trespass to try title to land, "that the action is brought as well to try title as for damages." Hart. Dig., art. 3221. No such endorsement was originally made on the petition in this case; and it is objected that this omission should have led to the dismissal of the suit. But the contrary has been repeatedly held in Texas, and it is settled that the act is merely directory. *Bone* v. *Walters*, 14 Texas, 567; *Shannon* v. *Taylor*, 16 Texas, 423; *Wade* v. *Converse*, 18 Texas, 233. These cases are in point as to all the branches of this objection.

III. Several depositions offered on the part of the plaintiffs below were admitted, notwithstanding that the defendant's counsel objected that he was not duly notified of the filing of the interrogatories, so as to give him opportunity to add cross-interrogatories. Of course, this objection does not apply to those depositions where cross-interrogatories were actually filed. It is intended, however, to apply to certain depositions taken at Camargo and Matamoras, enumerated on page 199 of the record. As to these, it appears that it was shown by the affidavit of one of the plaintiffs' attorneys that due notice had been given, and this fact was not controverted by any proof to the contrary. The defendants should have filed their counter affidavit, or shown some other evidence to prove an injury to them. Apart from this, the practice act of Texas provides that "no ob-

jections to the form of depositions, or to the manner of taking them, shall be heard, *unless they are in writing, and notice thereof is given to the opposite counsel before the trial of the suit commences.*" Hart. Dig., art. 733. It does not appear that the defendant's objections were in writing, or that notice was given before trial of the intention to make them.

IV. A number of documents were admitted in evidence, upon proof that they were copies of original records in the public offices of the State of Tamaulipas, in Mexico. The most important of these papers are the wills of Gertrudis de la Garza Falcon, of Blas Maria de la Garza, and of Maria Francisca Cavazos; the entries on the parish registers of the marriages and deaths of sundry persons connected with the property; and the partition between the heirs of Francisca Cavazos. These were all proved to be "faithful copies," or "true copies," (as is admitted in the abstract of Mr. Edmonds for the plaintiff in error, pp. 9–10,) of documents in the public archives of Mexico. But it is objected that it is not shown that the originals were properly "in the archives" where they were found. As the witnesses who testified to them were the public officers who had official charge of the archives, it is to be presumed that they would not have so testified if they had not the proper custody of these particular papers; and no evidence whatever was offered by the defendants below to rebut this reasonable presumption. And, as the *locus in quo* was once a part of Tamaulipas, and severed from that State by the action of Texas and the United States, the courts of the latter countries are bound to recognize officially the laws, public usages, and institutions formerly existing there and presumed to continue. Such has always been the rule in this Court; and, in Texas, it is well established that the courts will recognize the laws and public usages of Tamaulipas. See *Treviño* v. *Fernandez*, 13 Texas, 630; *Martin* v. *Weyman*, 26 Id., 460. By these laws, the originals of all instruments—as wills, deeds, etc.—

executed before a public officer—as an Alcalde—remained in the custody of the Ayuntamiento or Town Corporation; and those executed before a Notary remained in his custody, or that of his successor, or, in case of absence or failure of a successor, were deposited in the archives of the Ayuntamiento. It is unnecessary to refer to decisions as to usages so well established and recognized by this Court.

It is again objected that it does not appear that the original wills were properly executed. These wills were executed before an Alcalde of a town or municipality, with the usual instrumental and assisting witnesses; and there can be no doubt that, in the absence of a notary, an alcalde, with assisting witnesses, can supply his place to sanction a "public act" and make it "authentic." But it is said that the wills of the two women, Gertrudis de la Garza Falcon, and Maria Francisca Cavazos, were not signed by them. The Alcalde, in each case, certifies that the testatrix did not know how to write, (p. 279, 332,) and that he signed for her. It is to be observed that no objection was taken or reserved at the trial to the admission of the will of Gertrudis de la Garza Falcon; and that among the objections noted to the will of Francisca Cavazos, there is *none* on the ground that it was not properly signed by or for her: it is only objected, so far as the execution goes, that the certificate of Escobedo, the Notary Public to it, was not signed by assisting witnesses. Record, p. 328. It would, therefore, seem to be unnecessary to consider the question as to the sufficiency of the execution. But as that question may be raised on the argument, we refer to it now. Under the laws of Mexico, a will might either be nuncupative, i. e. *publicly* made; or might be secret, sealed, or *in scriptis nuncupativo ō cerrado.* Different formalities were required in either case. When nuncupative, it might be either made before witnesses, or before a public officer; if the latter, then three instrumental witnesses were required, i. e. witnesses present at the de-

claration of the testator's intentions; but these witnesses were not required to sign. If the public officer was a notary, no assisting witnesses to authenticate *his* act were necessary: if he was only acting, *ex necessitate*, in the absence of a notary, as in this instance, an alcalde, two signing witnesses were necessary to give authenticity to his signature. If the testator did not know how to write, or could not do so from any cause, the officer still received his verbal declarations and gave them validity by his act. Noviss. Recop., law 1: tit. 18, lib. 10; *Panaud* v. *Jones*, 1 Calif., 503; *Tevis* v. *Pitcher*, 10, Id., 477; *Adams* v. *Norris*, 23 How., 358. Commentators have been divided as to the necessity of the signature of a testator to a nuncupative will, reduced to writing by an officer; some contending that the Ordenamiento de Alcalà, which required all public instruments to be signed by the grantor, applied to that case also, and that the third law of Toro did not abrogate that requirement; others arguing, with equal force, that the law of Toro impliedly repealed the Ordenamiento as to that special case. But these controversies, however ingenious and interesting, are terminated by the law of the Novissima above cited. See *Adams* v. *Norris*, 23, How., 360. The distinction between the requisites of a nuncupative and of a sealed will, is sometimes overlooked, and that oversight causes all the discrepancies and apparent contradiction of writers on this subject.

It is also objected that these wills were not "probated." This objection arises from the same misconception. A nuncupative will, if made before witnesses alone, must, of course be afterwards proved. A sealed will, which bore on the envelope the names of the witnesses and officer present at the declaration of the testator, that it contained his will, must, of course, be opened and identified. But a nuncupative will, made in presence of a public officer, and reduced to writing by him, remained in the possession of that

officer, and was regarded as his official act. It was proved, *ipso facto*, by his official declaration and authorization. Partida VI., lib. 2, law 8: gloss, of Lopez, No. 4; Magro et Belena, Inst. Civ. Misp. Ind. II., p. 385, col. 2; *Panaud* v. *Jones*, 1 Cal. R., 488, 503–9. Any other construction would unsettle half the land titles in Texas and California.

But a discussion of these questions is not necessary in this case. It was proved that these wills had been publicly made before a competent officer; that they had been acted on and formed the basis of right among the parties interested for periods of fifty and twenty years; that they had been preserved in the public archives of the country, unquestioned and undisputed; and the point before the Court was whether a stranger, who had produced no evidence of title to the property of the testator, and was, *quoad hoc*, an usurper and intruder, could collaterally attack them for irregularity. As to this there can be no doubt that the Court below decided rightly in admitting them.

V. The plaintiff in error objects to the translations of the Spanish documents introduced on the trial, on two grounds: first, that they were made by the attorney of the parties for whom they were offered; second, that they were incorrect. As to the first point, it will be noticed that the present plaintiff in error obtained an order requiring the plaintiffs below to file translations, (Rec. 22,) and this order was practically construed to mean that the counsel should make them, and submit them to the other side for inspection and revision, which was accordingly done. The accuracy of these translations did not rest upon the certificate of the attorney who made them, but was verified, also, by the affidavit of an expert. See affidavit of Rossignol, (Rec., 142.) And if there had been any doubt or dispute as to the literal accuracy of the translation, the proper correction could have been made at the trial by summoning experts. The defendant below did not attempt to make such correction. As to the second

point, the meaning of the word "lindero" may be a matter of dispute, but a translation must necessarily affix some meaning to it, and express that signification in English words, according to the context. The counsel on both sides were at liberty to argue, either from the context or from the testimony of experts, that the translation was correct or incorrect; and no injury has been done the defendant below, because his counsel now claims the right to show, at this late stage of the cause, that the translation was incorrect. In regard to this question, and the proper interpretation of the Spanish grant conceded to Salvador de la Garza, and its construction as to boundary, we refer to our abstract in the case of *Cavazos* v. *Trevino and Cobb*, at this term.

VI. The motion in arrest of judgment is defended by the counsel for the plaintiff in error on three grounds: abstract of Mr. Edmonds, p. 11. His first assumption, that in an action for an entirety an undivided portion cannot be recovered, is incorrect. *Watrous* v. *McGrew*, 16 Tex., 511, is a parallel case, and see *Croft* v. *Rains*, 10 Tex., 523. The second ground, that the plaintiffs below were allowed to recover land beyond the boundary of their grant, assumes the very matter of controversy decided by the trial and verdict. The position of that boundary on the ground was a matter of fact for the jury to determine. It does not appear that the District Judge instructed the jury incorrectly; his charge is not given, and no exception is reserved to any part of it. The third assumption, that the Court below had no jurisdiction between the parties, is contradicted by the record, was not asserted or maintained by any plea in abatement, and comes too late after verdict.

We have thus reviewed all the points made by the counsel for the plaintiff in error. It will be observed, that they relate to mere matters of practice, which, even if decided incorrectly by the Court below, will not, in general, be reconsidered here. No question of law really affecting the merits

of the controversy is raised by the very imperfect and bungling bill of exceptions. The instructions of the District Judge are not inserted or mentioned: no attempt appears to have been made by the defendant below to obtain a construction of any of the documentary proof; and no points of law are brought before this Court worthy of engaging its attention.

It is also to be observed, that the defendant below, at the trial, introduced no evidence of any claim of title in himself, and no proof of an adverse title outstanding in others than the plaintiffs. He had pleaded, first, the general issue—not guilty, (Rec., p. 6;) and next, that he had purchased from one Tarnava and wife, an adverse title to a portion of the land sued for; but he did not attempt to produce this adverse title, or the conveyance to himself. He stood then, and now stands, as a mere intruder, against whom a simple action of trespass might have been maintained, on the proof of prior possession and seizin: a *fortiori*, an action founded on a legal seizin. Nor can it be said that this failure to sustain his cause arose from any surprise, because on December 16, 1850, the defendant personally agreed to a trial at the succeeding term, whereas the case was not tried until 1854, thus giving him four years in which to prepare. (Rec., p. 140.)

To an extraordinary and scandalous paper filed in this Court by the plaintiff in error himself, without the signature of counsel, it seems proper to refer, not because there are any legal points made in it worthy of consideration, but in order to correct some of its misrepresentations of facts. It is insinuated in this paper that the depositions offered in evidence were not filed by the clerk of the Court when opened. The contrary appears by the record, p. 227–249–262–315–328–362, etc.; and see page 138 as to agreement of counsel. It is also asserted (p. 18–21 of Mussina's brief) that the counsel for the plaintiffs below purposely omitted to interrogate the witnesses examined as to the will of Fran-

cisca Cavazos, whether the signature of Escobedo was genuine: and a false quotation from the record is fabricated (p. 20) to sustain this assertion. By referring to the record, pages 32–64, it will be seen that the second interrogatory addressed to Joaquin Arguelles and others, as to the will of Francisca Cavazos, is as follows: "Look at the paper-writing now exhibited to you marked A, and purporting to be a copy of the testament of Dona Maria Francisca Cavazos. Did you know Don Antonio Escovedo, whose name is subscribed to such document as Notary Public? Is the said Antonio Escovedo living or dead, or within the State of Tamaulipas? *Are you acquainted with his handwriting and signature as notary, and if so, is or is not the certificate and signature appended to the said copy in the handwriting of the said Escovedo as notary?*" The words in italics are designedly omitted by the plaintiff in error, in his brief, to deceive this Court, and manufacture a basis for charging improper motives to the counsel of his opponents. The interrogatory is fully answered by the witness, Arguelles, (Rec., p. 368.) Comment is unnecessary.

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